



Reference No. 46018

# SENTENCING IN ADULT CRIMINAL PROVINCIAL COURTS

## A STUDY OF SIX CANADIAN JURISDICTIONS

1991 and 1992

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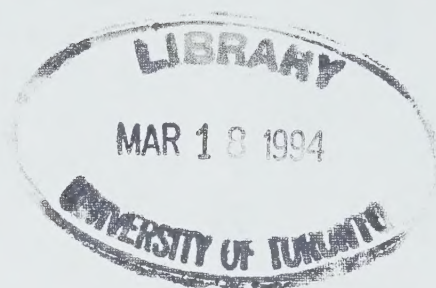
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Prepared by: John Turner

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- Ministry of Justice, Quebec
- Department of Justice, Yukon Territory

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## TABLE OF CONTENTS

| <u>Chapter</u>   | <u>Page</u> |
|--|-------------|
| EXECUTIVE SUMMARY .....  | i           |
| 1. INTRODUCTION .....  | 1           |
| 1.1 Background .....   | 1           |
| 1.2 Objective of Study .....                                       | 2           |
| 1.3 Sentencing Issues Addressed .....                              | 2           |
| 2. METHODOLOGICAL OVERVIEW .....                                   | 4           |
| 2.1 Scope/Coverage/Time Period .....                               | 4           |
| 2.2 Main Units of Count .....                                      | 4           |
| 2.3 Study Limitations .....  | 5           |
| 3. BASIC AGGREGATE CHARACTERISTICS OF SENTENCING DATABASE .....    | 6           |
| 3.1 Distribution by Jurisdiction .....                             | 6           |
| 3.2 Charge Attrition .....   | 6           |
| 3.3 Single vs. Multiple Charge Cases .....                         | 7           |
| 3.4 Gender of Offender .....                                       | 7           |
| 3.5 Age of Offender at Sentencing .....                            | 8           |
| 4. TYPES OF SENTENCES IMPOSED .....                                | 10          |
| 4.1 Most Serious Sentence Imposed .....                            | 10          |
| 4.2 Frequency of all Sanctions Imposed .....                       | 11          |
| 5. IMPRISONMENT .....  | 12          |
| 5.1 Imprisonment Defined .....                                     | 12          |
| 5.2 Frequency of the Imposition of Imprisonment .....              | 12          |
| 5.3 Comparison of Single Charge and Multiple Charge Cases .....    | 13          |
| 5.4 Other Sanctions Imposed in Combination With Imprisonment ..... | 15          |
| 5.5 Average Incarceral Sentence Length .....                       | 15          |
| 5.6 Sentence Length Categories .....                               | 17          |
| 5.7 Sentences of One Day .....                                     | 18          |
| 5.8 Offences Having a Minimum Punishment of Imprisonment .....     | 19          |
| 5.9 Maximum Penalties .....  | 19          |
| 6. PROBATION .....   | 21          |
| 6.1 Probation Defined .....  | 21          |
| 6.2 Frequency of Probation in Sentencing .....                     | 22          |
| 6.3 Other Sanctions Imposed in Combination With Probation .....    | 22          |
| 6.4 Length of Probation .....                                      | 23          |
| 6.5 Failure to Comply With Probation Order .....                   | 24          |



| <u>Chapter</u>  | <u>Page</u> |
|---|-------------|
| 7. FORFEITURE, PROHIBITION, COMMUNITY SERVICE ORDERS .....                        | 25          |
| 7.1 Types of Sanctions Included in This Category .....                            | 25          |
| 7.2 Frequency of the Use of Forfeiture/Prohibition/Community Service Orders ..... | 26          |
| 7.3 Other Sanctions Used in Combination With Forfeiture/Prohibition/CSOs .....    | 27          |
| 7.4 Community Service Orders .....  | 28          |
| 8. FINES .....  | 29          |
| 8.1 Overview of Fine Sentences .....  | 29          |
| 8.2 Frequency of the Use of Fines .....   | 30          |
| 8.3 Other Sentences Imposed in Combination With Fines .....                       | 30          |
| 8.4 Fine Amounts .....  | 31          |
| 9. COMPENSATION/RESTITUTION .....   | 32          |
| 9.1 Compensation/Restitution Defined .....  | 32          |
| 9.2 Frequency of the Use of Compensation .....                                    | 32          |
| 9.3 Other Sentences Imposed in Combination With Compensation .....                | 32          |
| 9.4 Compensation Amounts .....  | 33          |
| 10. SUSPENDED SENTENCES .....   | 34          |
| 10.1 Suspended Sentence Defined .....   | 34          |
| 10.2 Frequency of the Use of Suspended Sentences .....                            | 34          |
| 10.3 Other Sentences Imposed in Combination With Suspended Sentences .....        | 35          |
| 11. DISCHARGE .....   | 36          |
| 11.1 Conditional Discharge .....  | 36          |
| 11.2 Absolute Discharge .....   | 36          |
| 12. SENTENCING VARIATION .....  | 38          |
| 12.1 Sentencing Variation Defined .....   | 38          |
| 12.2 Variation in Sentence Lengths Imposed For Selected Offences .....            | 39          |
| 12.3 Variation Among Jurisdictions .....  | 40          |
| 12.4 Variation Among Major Cities .....   | 46          |
| 13. EXAMINATION OF HYBRID OFFENCES .....  | 50          |
| 14. CONCLUSION .....  | 52          |
| <u>APPENDICES</u>   |             |
| A. TABLES   |             |
| B. LIST OF C.C. SECTIONS AND MAXIMUM PENALTIES FOR 65 OFFENCE GROUPS              |             |
| C. METHODOLOGY  |             |
| D. SENTENCING DEFINED   |             |
| E. EXPERIENCE WITH SENTENCING GUIDELINES IN THE UNITED STATES                     |             |



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## EXECUTIVE SUMMARY

### **Background**

Information to support current and future discussion of sentencing practices and alternatives remains a priority issue for the justice community. In order to provide information in this area, it was proposed at the April 1992 Liaison Officers Committee (LOC) meeting that the Canadian Centre for Justice Statistics (CCJS) undertake a special study on sentencing practices in Canadian criminal courts. The Initiative agreed to conduct a study in this area using the information sources available to it at this point: provincial/territorial court data from six jurisdictions.

This study was subsequently approved by the Justice Information Council. A Sentencing Study Working Group, comprised of federal and provincial representatives from the justice area, was created to review materials and to provide advice on the analysis, interpretation and presentation of findings. The special study encompasses more than just this report. A Sentencing Database was created, which contains over 600,000 conviction records. This database contains more detailed information than could be presented in this report.

### **Methodological Overview**

This report analyzes Criminal Code and other federal statute charges resulting in conviction in adult provincial/territorial courts in six jurisdictions: Prince Edward Island, Nova Scotia, Quebec, Ontario, Alberta and Yukon. The caseload represented by these six jurisdictions comprises approximately two-thirds of the annual provincial/territorial court caseload in Canada. The study covers a minimum 15-month period during 1991 and 1992 for each jurisdiction as follows (dates refer to the date of sentencing or "final appearance"):

|                            |                          |
|----------------------------|--------------------------|
| P.E.I., N.S., Que., Yukon: | Jan. 1 '91 - June 30 '92 |
| Ontario:                   | June 1 '91 - Aug. 31 '92 |
| Alberta:                   | Jan. 1 '91 - Oct. 26 '92 |

**A "case" is defined in this study as all charges resulting in conviction for one accused with the same sentence date in the same court.** There are almost 400,000 cases in the database. For each case, a "most serious offence" (the offence receiving the most serious sentence) is identified to represent the case. The majority of analyses in this report uses the "most serious offence" to represent a case.

### **Major limitations**

- Data on recidivism or other aggravating or mitigating circumstances were not available.
- Historical data were not available for analysis of emerging trends.
- No data were available from superior courts or from Quebec municipal courts.



## MAJOR FINDINGS

The following highlights pertain to all six jurisdictions combined and are "case-based", unless otherwise noted:

### Offenders by Gender

- Males accounted for 81% of total convictions under the Criminal Code, females 14%, corporations 0.3%, and unknown 5%.
- Males comprised close to 90% of all convictions for firearms offences, offences against the person (except for harassing phone calls - 68%) and motor vehicle offences. Female offenders tended to be convicted (although still less frequently than males) for minor thefts, fraud, forgery and prostitution-related offences.

### Offenders by Age (at time of sentencing)

- Offenders aged **18-22** were over-represented (compared to their distribution for all Criminal Code offences) in the following categories: robbery, firearms offences, all property offences (except fraud/forgery), dangerous driving, causing a disturbance, and Food and Drugs Act offences. Offenders aged **23-27** were over-represented in: assaulting peace officer, fraud/forgery, offences against the administration of justice (eg. obstructing justice, unlawfully at large), and Narcotic Control Act offences.
- Offenders aged **28-32** were most over-represented in sexual assault with a weapon/causing bodily harm offences. This age group also represented the highest percentage (20%) of offenders convicted of impaired driving. Offenders aged **33-37** showed a very even distribution across offence categories. Offenders **38 years of age and older** were over-represented in terms of sexual assault convictions, touching children under the age of 14, and gaming and betting offences. However, as these categories represent the offender's age at the time of sentencing, some of the sexual assault and touching offences may have actually occurred years before.

### Most Serious Sanction Imposed (only 1 sanction counted for each conviction)

- Imprisonment was imposed for 29% of all Criminal Code convictions in adult provincial court. Intermediate sanctions were imposed for 68% of convictions as follows: probation (27%), fines (21%), and prohibition/confiscation/community service orders (19%). The remaining 3% resulted in absolute discharges (although legally not a conviction).



## **All Sanctions Imposed (allows for multiple sanctions for each conviction)**

- Fines were found to be the most common sanction imposed in adult provincial court (51% of all convictions). Other sanctions imposed were as follows: probation (37%), prohibition/confiscation/community service orders (35%), imprisonment (29%), suspended sentences (11%), restitution/compensation (5%), and conditional discharge (5%).

## **Imprisonment**

- The following seven offences all showed an imprisonment rate of at least 80%: robbery, sexual assault with weapon/causing bodily harm, aggravated assault, use of firearm during commission of offence, escaping custody, unlawfully at large, and drug trafficking.
- The following offences showed an imprisonment rate of 10% or less: gaming and betting offences, other morals offences, causing disturbance/trespassing, and breach of recognizance.
- The median sentence length for all Criminal Code convictions resulting in prison was 30 days. Ninety per cent of the sentences imposed were for a period of 8 months or less; ten per cent were for a period of one day; only 3% of sentences were for a period of two years or more.
- Of the 65 selected offences, four showed median sentence lengths of at least one year: manslaughter (4 years), sexual assault with weapon/causing bodily harm (2 years), robbery (1 year 9 months), and use of firearm during commission of offence (1 year).
- Four offences showed median sentences of less than 30 days: fail to appear in court (15 days), causing a disturbance/trespassing (14 days), soliciting/obtaining services for prostitution (14 days), and breach of recognizance (12 days).
- Maximum penalties were imposed very rarely in adult provincial court. Of the 52 offences carrying an identifiable maximum penalty, 31 never had the maximum penalty imposed, 17 had the maximum penalty imposed less than 1% of the time, and only four offences resulted in a maximum penalty over 5% of the time: gaming and betting offences - maximum penalty of 2 years (10%), harassing/indecent phone calls - maximum penalty of 6 months (7%), indecent acts/exposure - 6 months (5%), and fail to comply with probation order - 6 months (5%).
- 77% of the cases involved only one conviction, with the remaining 23% involving two or more convictions. The incarceration rate for multiple charge cases was substantially higher than for single charge cases. The median sentence length ranged from two to three times higher for cases with multiple convictions than for cases with single convictions.



- There was an average of 1.9 charges resulting in conviction for each case. By comparison, for this same group of cases at first court appearance, there was an average of 2.4 charges per case. This means that approximately 20% of the original number of charges were either terminated early, dismissed, discharged or acquitted (**data for four ACCS jurisdictions only: Quebec, Nova Scotia, Prince Edward Island and Yukon**).

## **Probation**

- Probation was the most serious sentence imposed for over 50% of convictions for the following offences: assault, uttering threats of bodily harm, harassing/indecent phone calls, fraud under \$1,000, and mischief (both over and under \$1,000 property damage).
- The distribution of probation sentences was as follows: 6 months (11%), one year (33%), 18 months (7%), two years (28%), three years (maximum allowed) (11%). The remaining 10% were for other lengths.

## **Forfeiture / Prohibition / Community Service Orders**

- There were only three offences where these sanctions were the most serious imposed over 50% of the time: breach of recognizance (78%), refuse to provide breath sample (69%), and impaired driving (60%).

## **Fines**

- Only three offences received a fine as their most serious sentence over 50% of the time: gaming and betting offences (54%), soliciting/obtaining services for prostitution (52%), and Narcotic Control Act possession (51%).

## **Compensation/Restitution**

- Sentences of compensation or restitution were most commonly imposed (between 25% and 50% of all convictions) for fraud, false pretences and mischief.

## **Suspended Sentence**

- The four offences most frequently receiving a suspended sentence were: sexual touching of child under 14 (33% of all convictions); uttering threats of bodily harm (33%); mischief - property damage over \$1,000 (33%); and, fraud over \$1,000 (31%).



## Discharge

- Conditional discharges were most frequently granted for gaming and betting offences (17%), harassing/indecent phone calls (15%), and mischief > \$1,000 (15%).
- Absolute discharges were most frequently granted for soliciting/obtaining services for prostitution (16%), indecent acts/exposure (14%), and minor thefts (11%).

## Sentencing Variation Among Jurisdictions/Cities

This study compares five provinces and one territory, as well as six large cities (Toronto, Montreal, Ottawa, Edmonton, Calgary and Quebec City), in terms of incarceration rates and median sentence lengths for 65 selected offences. The following represents a sample comparison of sentencing practices at both the provincial and municipal level:

- Among the six provinces/territories, incarceration rates for **sexual assault** convictions were similar in Nova Scotia, Quebec, Ontario and Alberta (ranging from 50% to 57%), but were higher (over 80%) in Prince Edward Island and the Yukon. The median sentence length imposed for offenders sentenced to prison ranged from 1.5 months in Prince Edward Island to 9 months in Quebec.
- Incarceration rates for **break & enter** convictions were very similar among the six major cities, ranging from 64% in Montreal to 78% in Toronto. The median sentence length was 4 months in Toronto and Calgary, 6 months in Montreal, Ottawa and Edmonton, and 10 months in Quebec City.

## Effect of Procedure Selected For Hybrid Offences (data for four ACCS jurisdictions only: Quebec, Nova Scotia, Prince Edward Island and Yukon)

- Hybrid offences, which represented approximately 60% of all Criminal Code convictions in adult provincial court, are those which can be prosecuted either summarily or by indictment. Of the 20 hybrid offences analyzed in the report, three-quarters were proceeded with summarily and one-quarter by indictment.
- On average, the incarceration rate for hybrid-indictable offences was approximately twice as high as for hybrid-summary offences. Similarly, the median sentence length was generally two to three times longer for hybrid-indictable convictions than for hybrid-summary.

## Conclusion

This report represents the largest volume of sentencing data available in Canada: over 600,000 charges resulting in conviction from six jurisdictions. It represents a beginning in terms of the availability and analysis of sentencing statistics in this country.

Data for four of the these six jurisdictions (Quebec, Nova Scotia, Prince Edward Island and Yukon) originated from the Adult Criminal Court Survey (ACCS) of the CCJS. The data collection method for the ACCS survey involves accessing automated criminal court databases in each province or territory, and developing automated interfaces between the jurisdictional system and the ACCS system. As the level of automation increases in the jurisdictions currently not participating, the capability of these jurisdictions to participate in this survey will also increase.

Sentencing data for the other two participating jurisdictions (Ontario and Alberta) were extracted directly from their court systems and "converted" to the specifications of the Sentencing Database. Until such time that these and other jurisdictions can provide data to the ACCS survey, this strategy may be an appropriate "interim" strategy to follow for the collection of sentencing data.



## CHAPTER 1. INTRODUCTION

### 1.1 Background

A Canadian Sentencing Commission report on sentencing reform (Archambault Report) stated that "one of the most basic failings of the current sentencing system in Canada is that there is no method for anyone to know ... what kinds of sentences are being handed down, ... and that the lack of timely aggregate sentencing statistics presents problems for the operation of the criminal justice system".<sup>1</sup> Other reports from the Sentencing Commission as well as the Standing Committee on Justice and Solicitor General (Daubney Report)<sup>2</sup> have recommended that sentencing data be collected to address issues related to sentencing variation and the need to provide the public with information in the area of sentencing.

Justice Canada has recently proposed various reforms to the sentencing process, including a statement of "purpose and principles of sentencing", a recommendation for increased use of intermediate sanctions, and a recommendation for an improved process for the imposition and collection of fines.<sup>3</sup> Issues such as the perceived over-reliance on custody in sentencing, sentencing variation and the perception of unrealistically high maximum penalties cannot be addressed without sentencing data. Presently, even basic information such as the types and quantum of these sanctions for specific offences is not available in Canada on a national basis.

Information to support current and future discussion of sentencing practices and alternatives remains a priority issue for the justice community. In order to provide information in this area, it was proposed at the April 1992 Liaison Officers Committee (LOC) meeting that the Canadian Centre for Justice Statistics (CCJS) undertake a special study on sentencing practices. The Initiative agreed to conduct a study in this area using the information sources available to it at this point: provincial/territorial court data from six jurisdictions. In the remainder of this report, the term "provincial court" will be used when referring to "provincial/territorial" court.

This study was subsequently approved by the Justice Information Council. A Sentencing Study Working Group, comprised of federal and provincial representatives from the justice area, was created to review materials, and to provide advice on the analysis,

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<sup>1</sup> Sentencing Reform - A Canadian Approach, Report of the Canadian Sentencing Commission, 1987, p. 60.

<sup>2</sup> Taking Responsibility - Report of the Standing Committee on Justice and Solicitor General on its review of sentencing, conditional release and related aspects of corrections (David Daubney, M.P. - Chairman), August 1988.

<sup>3</sup> Directions For Reform - Sentencing, Department of Justice Canada, 1990, p. 4.

interpretation and presentation of findings.

The special study encompasses more than just this report. A Sentencing Database was created, which contains over 600,000 conviction records. This database contains more detailed information than could be presented in this report.

## 1.2 Objective of Study

The objective of this study is to collect and report information on sentencing practices in adult provincial courts in Canada in order to inform discussions relating to sentencing issues as outlined in section 1.3 below. This study does not attempt to explain variations in sentencing practices among jurisdictions.

## 1.3 Sentencing Issues Addressed

By analyzing conviction data from adult provincial court in five provinces and one territory, this report sheds light on the following major sentencing issues:

- **Lack of basic sentencing information: the types of sanctions being imposed and the quantum of these sanctions.** For example, for a specific offence such as break and enter, what proportion of convictions receive imprisonment, what is the average sentence length and the range of sentences imposed?
- **Sentencing variation (disparity).** Do certain offences tend to receive a smaller range of sentence lengths than other offences? Is there sentencing variation among provinces or among similar-sized cities?
- **Perceived over-reliance on custody; reforms calling for increased use of "intermediate sanctions".** Intermediate sanctions are generally defined as the range of dispositions between imprisonment and absolute discharge. To what degree are intermediate sanctions currently being used in sentencing, and for what types of offences? Are these sanctions imposed independently or do they tend to be used in conjunction with other sanctions?
- **Perception that maximum penalties set out in federal criminal legislation currently provide little guidance as to what sentence might be expected.** How frequently are maximum penalties imposed, and what is the relationship between average sentence lengths being imposed for selected offences and their respective maximum penalties?
- **Effect of procedure selected for hybrid offences.** Do hybrid offences proceeding by indictment receive more serious sentences than hybrid offences proceeding summarily?



- **Frequency of breach of probation convictions.** How frequently are offenders convicted for breach of probation, and are there usually convictions for other related offences in the same case?
- **Sentences of "1 day".** For certain types of offences (those having either a minimum penalty of imprisonment or a maximum penalty greater than 5 years), the Criminal Code does not allow a fine to be imposed unless there is also a sentence of imprisonment. In order to circumvent this statutory requirement, judges may impose a fine plus one day in prison. The issue is whether or not judges would still impose an incarceration sentence on these offenders if this Criminal Code provision was not present.
- **Magnitude of charge attrition.** For those cases which result in at least one conviction, what percentage of charges are "dropped" due to attrition from first appearance in court through to final disposition?





## CHAPTER 2. METHODOLOGICAL OVERVIEW

### 2.1 Scope/Coverage/Time Period

This report analyzes Criminal Code and other federal statute charges resulting in conviction in adult provincial courts in six jurisdictions: Prince Edward Island, Nova Scotia, Quebec, Ontario, Alberta and Yukon. The caseload represented by these six jurisdictions comprises approximately two-thirds of the annual provincial court caseload in Canada. The study covers a minimum 15-month period during 1991 and 1992 for each jurisdiction as follows (dates refer to the date of sentencing or "final appearance"):

|                            |                          |
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| Alberta:                   | Jan. 1 '91 - Oct. 26 '92 |

Not all provincial court locations are included for the full reference period in each jurisdiction. See Appendix "C" - Methodology for more information.

Sentencing characteristics mean very little for "groups" of offences, such as "offences against the person". As such, the focus of this report is on 65 specific high-volume or high-profile offences.

### 2.2 Main Units of Count

Charge - One record exists for each charge resulting in conviction. Each charge will have at least one sentence recorded against it. All sentences imposed for the charge are collected.

Case - A "case" is defined in this study as **all charges resulting in conviction for one accused with the same sentence date in the same court.**

Most serious offence (MSO): For each case, an MSO is identified as the offence receiving the most serious sentence (see below). The majority of analysis in this report uses the MSO to define a case.

Most serious sentence (MSS): Rather than showing all the sanctions imposed for a particular offence on conviction, the data can also be displayed by selecting a "most serious sentence" for each charge. Sentences are ordered from most severe to least severe according to proposals put forth in a 1990 Justice Canada report<sup>4</sup> as follows:

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<sup>4</sup> Directions For Reform - Sentencing, Department of Justice Canada, 1990, p.15.

imprisonment  
probation  
forfeiture/prohibition/confiscation orders  
community service order  
fine  
compensation/restitution  
conditional discharge  
absolute discharge

## 2.3 Study Limitations

No data on recidivism or other aggravating or mitigating circumstances - The previous criminal history of the offender is one of the most significant factors in sentencing variation. If one were to attempt to explain sentencing variation, all aggravating and mitigating factors would be required for each case.

Lack of time-series data - The consistency over time of findings from this study cannot be explored, nor can emerging trends in sentencing be identified. However, this study will be useful as a starting point for future time-series analysis, keeping in mind that any subsequent amendments to the Criminal Code must be noted in future analysis.

No data from superior courts - Although superior courts tend to hear the most serious cases (eg. murder), they represent a relatively small percentage of jurisdictional caseload. It should be noted that previous research has demonstrated that average sentence lengths imposed in superior courts were generally higher than those imposed in provincial courts for equivalent offences.<sup>5</sup> Further, data related to appeals or judicial reviews are not included.

Missing provincial court locations in Nova Scotia - Halifax city court and Liverpool provincial court, representing approximately 15% of Nova Scotia's annual caseload, are currently not providing data to ACCS.

No data from municipal courts in Quebec - Quebec has empowered 133 municipal courts to hear **summary** federal charges, primarily traffic offences. These courts hear approximately 20% of all federal statute charges in Quebec. The existence of these courts may result in Quebec's provincial courts hearing proportionally "more serious" cases than provincial courts in other provinces.

Possible under-counting of "intermediate sanctions" - Intermediate sanctions may be under-counted due to court system's limitations for the reporting of multiple sanctions.

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<sup>5</sup> Sentences Given in The Toronto Courts, Robert G. Hann and Faigie Kopelman, 1988, p.23

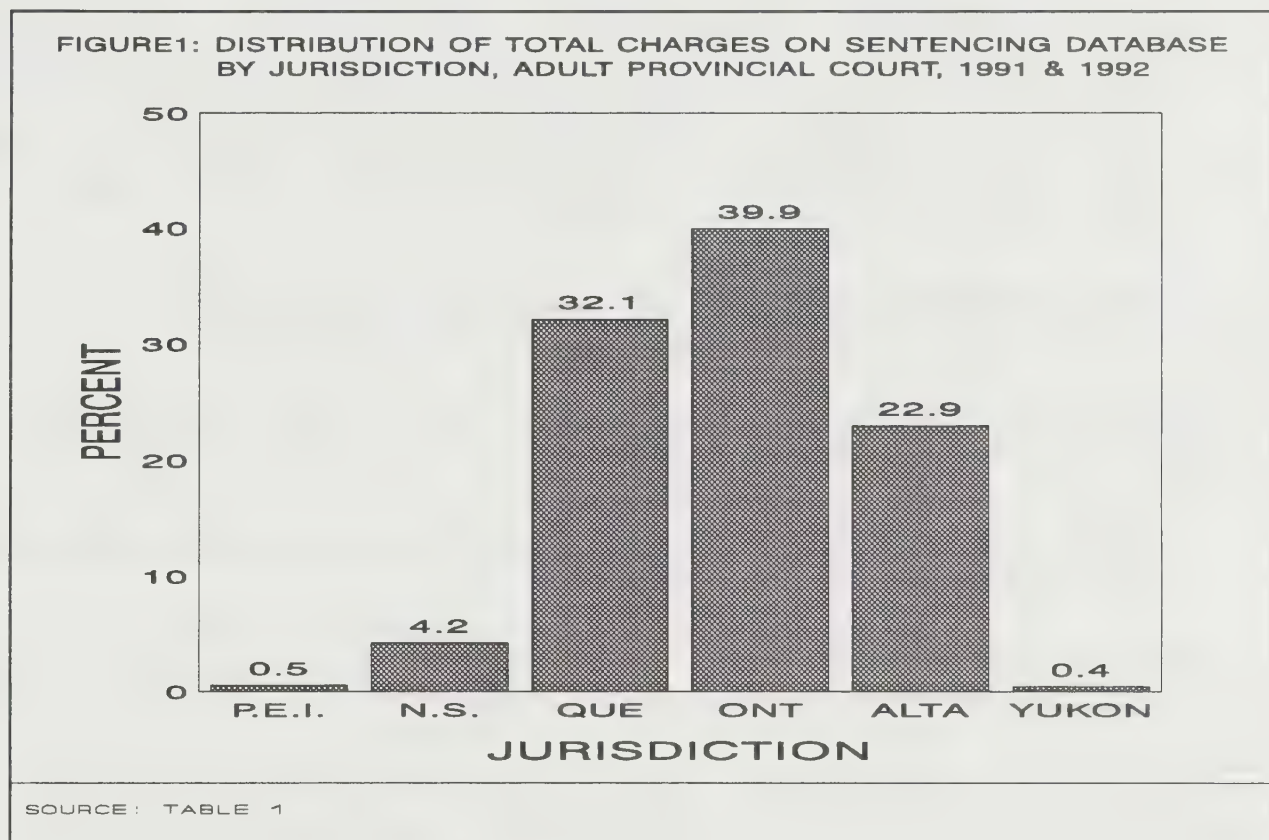


## CHAPTER 3. BASIC AGGREGATE CHARACTERISTICS OF SENTENCING DATABASE

### 3.1 Distribution by Jurisdiction

The Sentencing Database is comprised of adult provincial court data from six jurisdictions representing over 600,000 charges resulting in conviction during 1991 and 1992 (see methodology section for more detailed information on coverage, time periods, data sources, etc.).

Appendix table 1 displays the distribution of these charges by jurisdiction and by type of case. The overall distribution of charge convictions by jurisdiction is shown in figure 1.



### 3.2 Charge Attrition

It is possible to compare the original number of charges at the time of first court appearance with the final number of charges resulting in conviction for four of the six jurisdictions in this study: Prince Edward Island, Nova Scotia, Quebec and Yukon (**note that Quebec represents 88% of the cases for these four jurisdictions**).

For these four jurisdictions combined, there were 229,645 charges resulting in conviction in 122,014 cases, representing an average of 1.88 charges per case. At first court appearance these cases contained 295,174 charges for a ratio of 2.41 charges per case. However, of the 65,529 charges which did not result in conviction, 5,646 were either transferred to a higher court or resulted in some other "non-final" disposition. This means that 20% (59,883 charges) of the original number of charges in those cases in which at least one charge resulted in conviction, were either terminated early (eg. charge withdrawn, stay of proceedings, accused found unfit to stand trial), or dismissed, discharged or acquitted. Acquittals accounted for 3% (8,121 charges) of this 20% figure.

### 3.3 Single vs Multiple Charge Cases

For the purposes of this study, a "case" has been defined as all charges resulting in conviction with the same sentence date in the same court for one accused. Over three-quarters (77%) of cases resulting in conviction were "single charge/count" convictions. Of the remaining 23% of cases, 13% were "multiple charge" cases, 5% were "multiple count" cases and the remaining 5% were comprised of those cases having both multiple charge and multiple count convictions (table 1).

**Single charge/count** - Regardless of the number of charges when the accused first appears in court, only one charge in the case results in conviction.

**Multiple charge** - More than one charge in a case results in conviction, but all convictions are for **different offences**.

**Multiple count** - More than one charge in a case results in conviction, and all convictions are for the **same offence**.

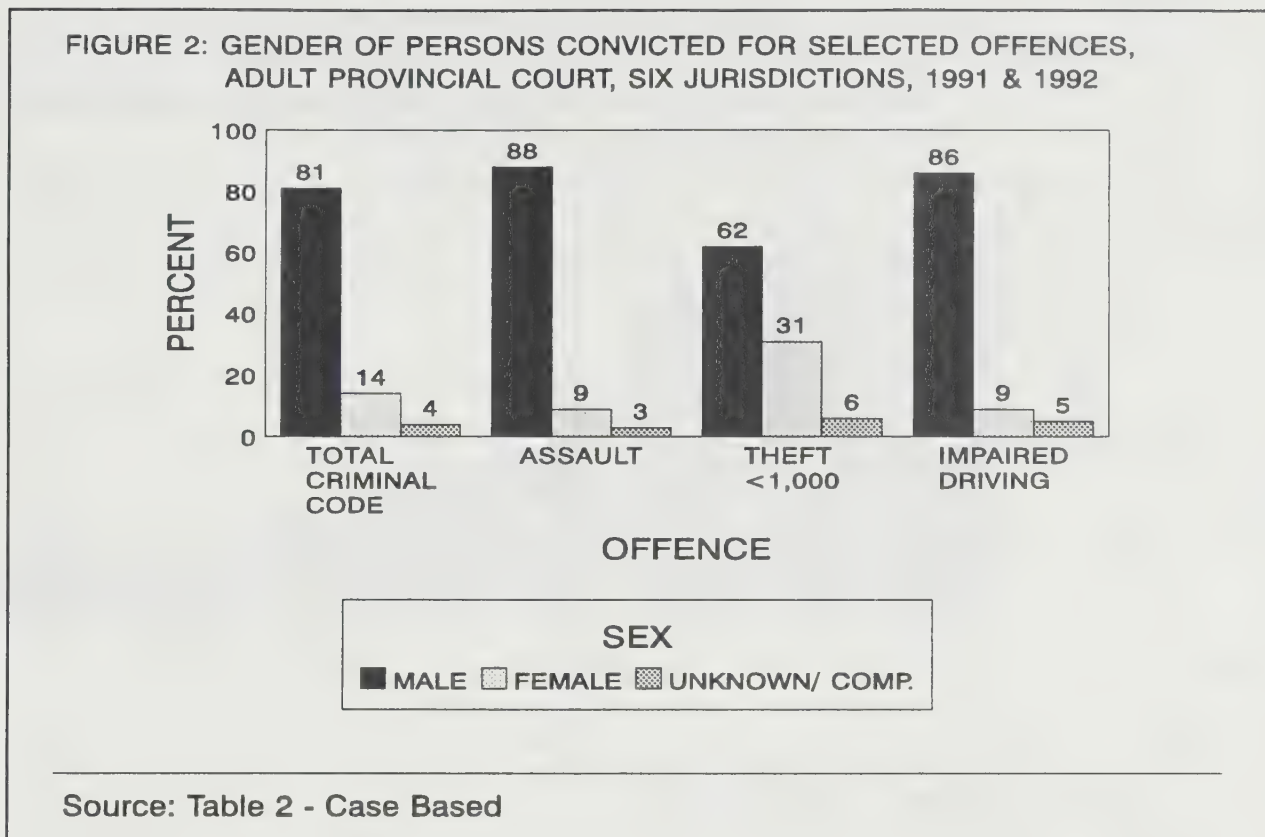
**Multiple charge/multiple count** - An accused is convicted of at least 2 different charges, of which at least one has multiple counts.

### 3.4 Gender of Offender

Table 2 shows the breakdown of offenders into male, female, corporations and unknown for all 65 selected offences. Males accounted for 81% of total convictions under the Criminal Code, females 14%, corporations 0.3% and unknown 4% (figure 2).

Males comprised close to 90% of all convictions for firearms offences, offences against the person (except for harassing phone calls - 68%) and motor vehicle offences. Female offenders tended to be convicted (although still less frequently than males) for minor thefts, fraud, forgery and prostitution-related offences.





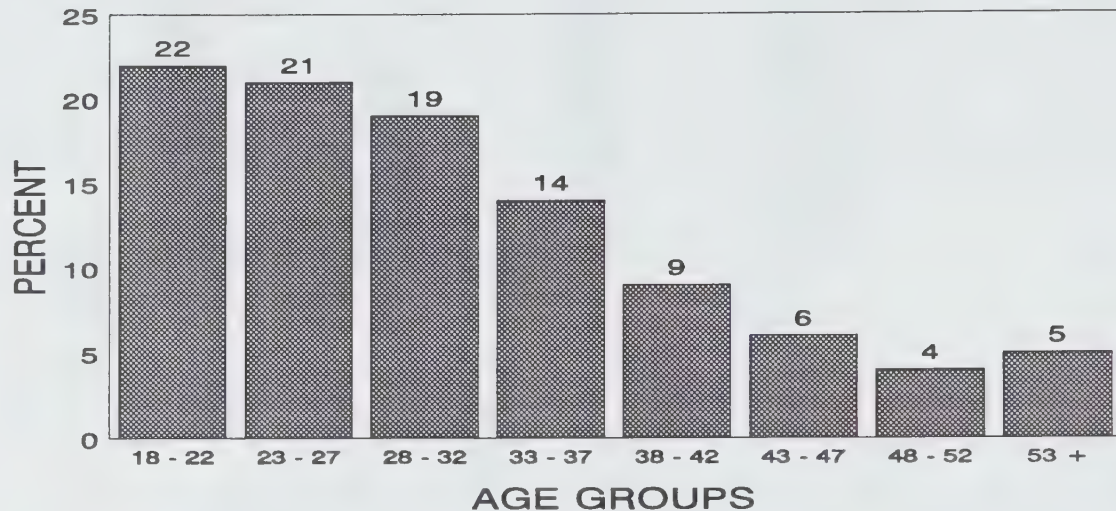
Not surprisingly, corporations tended to be convicted for other federal statute offences such as those under the Income Tax Act and Food and Drugs Act. The only Criminal Code offence category for which corporations represented a significant percentage was gaming and betting (8%).

### 3.5 Age of Offender At Sentencing

Table 3 shows the age distribution for all offenders convicted in adult provincial court. Due to the fact that the "date of the offence" was not available for all jurisdictional databases, the calculations are based on the age of the offender at the time of sentencing, not at the time of the offence. For this reason, the true number of young offenders tried in adult court cannot be identified. The table examines eight age groups, with those offenders under the age of 18 excluded from the table in order to avoid inferences about the number of young offenders.

Figure 3 shows the eight selected age categories in five-year groupings, starting at age 18. This chart reveals that the proportion of offenders in each age group begins to drop off after the age of 32. Table 3 indicates that certain offences did not follow the general pattern described above. Offenders aged **18-22** were over-represented (compared to their distribution for all Criminal Code offences) in the following categories: robbery, firearms offences, all property offences (except fraud/forgery), dangerous driving, causing a

FIGURE 3: AGE OF OFFENDER AT TIME OF SENTENCING,  
CRIMINAL CODE CONVICTIONS IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992



Source: Table 3 - Cased Based

disturbance, and Food and Drugs Act offences. Offenders aged **23-27** were over-represented in the following categories: assaulting peace officer, fraud/forgery, offences against the administration of justice (eg. obstructing justice, unlawfully at large), and Narcotic Control Act offences.

Offenders aged **28-32** were most over-represented in sexual assault with a weapon/causing bodily harm offences. This age group also represented the highest percentage (20%) of offenders convicted of impaired driving, although older offenders tended to be more over-represented. Offenders aged **33-37** showed a very even distribution across offence categories.

Offenders **38 years of age and older** were over-represented in terms of sexual assault convictions, touching children under the age of 14, and gaming and betting offences. However, as these categories represent the offender's age at the time of sentencing, some of the sexual assault and touching offences may have actually occurred years before. This is particularly relevant given the fact that more victims of sexual abuse are now coming forth with incidents which may have occurred years earlier.



## **CHAPTER 4. TYPES OF SENTENCES IMPOSED**

### **4.1 Most Serious Sentence Imposed**

Table 4 shows the "most serious sanction" imposed by case count for all offences. In other words, if more than one sentence was imposed for a particular charge, only the most serious sentence was counted. The ranking of the seriousness of sentences used in this report is outlined on p. 5.

The ranking of sentences in this manner is still a subjective measurement. The actual seriousness of a sanction imposed on an offender may vary according to factors such as the terms and conditions of probation, or the amount of fine imposed. However, the ranking procedure has the advantage of enabling quick comparisons to be made on the relative severity of sentences among various offences. For information on all sanctions imposed, see section 4.2.

One of the major concerns in the area of sentencing over the years has been the perceived over-reliance on the use of incarceration. Table 4 shows the frequency in the use of imprisonment for the 65 selected offences as well as for all Criminal Code and other federal statute offences. Figure 4 shows that imprisonment was imposed for 29% of all Criminal Code convictions in adult provincial court in the Sentencing Database (over 300,000 cases). Chapter 5 examines those cases resulting in a sentence of imprisonment in more detail.

**FIGURE 4: MOST SERIOUS SANCTION IMPOSED FOR CRIMINAL CODE CONVICTIONS IN ADULT PROVINCIAL COURT SIX JURISDICTIONS, 1991 & 1992**



Source: Table 4: Case Based

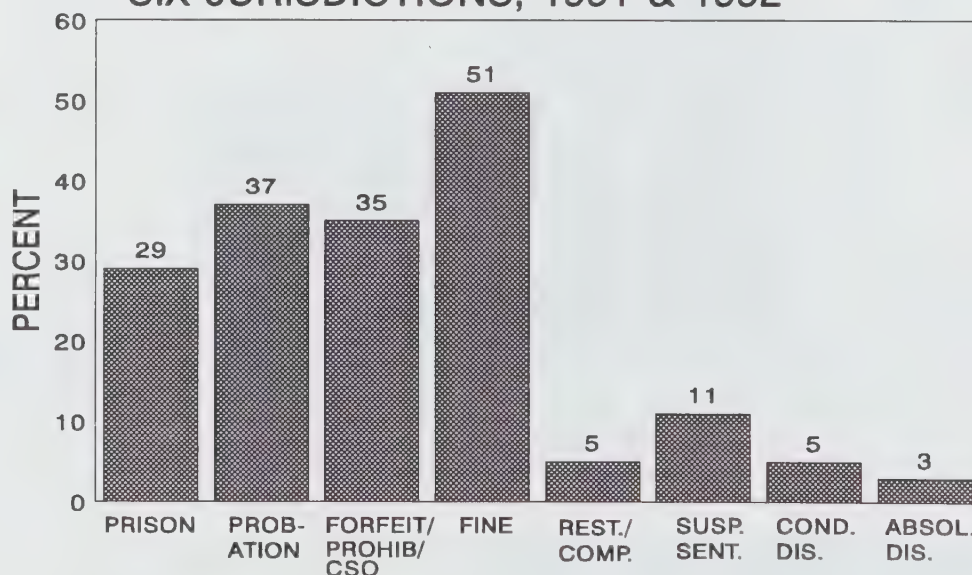
Intermediate sanctions such as probation, fines, and prohibition orders were the most serious sentences imposed for 68% of total convictions, and absolute discharge was imposed for the remaining 3% (although a sentence of "discharge" is legally not a conviction, it is included in this study). The intermediate sanctions were distributed as follows: 27% of offenders convicted of a Criminal Code offence received probation as the most serious sentence, 21% received a fine, and 19% received a prohibition / confiscation / community service order.

## 4.2 Frequency of All Sanctions Imposed

Table 5 shows the distribution of **all** sanctions imposed in adult provincial court, allowing for more than one sentence to be recorded for each conviction. Therefore, as contrasted to table 4, row percentages will total more than 100%. The numbers for imprisonment, being the most serious sentence, will be the same for table 5 as for table 4. However, a more complete picture of the use of intermediate sanctions is possible from table 5. "Intermediate" sanctions may be under-counted due to court system's limitations for the reporting of multiple sanctions.

Among all Criminal Code convictions, the most common intermediate sanction used was a fine. Although a fine was the "most serious sentence" imposed in 21% of convictions, it was imposed as a sentence in 51% of all convictions. Fines were followed by probation (37%), the group of sanctions including prohibition / confiscation / community service orders (35%), suspended sentences (11%), and restitution / compensation (5%). Five percent of all convictions received a sentence of conditional discharge, with 3% receiving absolute discharge (figure 5).

**FIGURE 5: ALL SANCTIONS IMPOSED FOR CRIMINAL CODE CONVICTIONS IN ADULT PROVINCIAL COURT SIX JURISDICTIONS, 1991 & 1992**



Source: Table 5 - Case Based



## **CHAPTER 5. IMPRISONMENT**

### **5.1 Imprisonment Defined**

Imprisonment refers to the physical confinement and restraint of an offender within a penal institution for the duration of the term of the sentence, subject to early release on parole or mandatory supervision. A term of imprisonment of two years or more is normally served in a federal penitentiary, less than two years in a provincial correctional facility. Sentences of 90 days or less may be served "intermittently", usually on weekends. When the offender is not in actual confinement during an intermittent sentence, he/she is subject to a probation order.

### **5.2 Frequency of the Imposition of Imprisonment**

As mentioned earlier, one of the major concerns in the area of sentencing has been the perceived over-reliance on the use of imprisonment. **Of the 331,812 Criminal Code cases resulting in conviction on the Sentencing Database during 1991 and 1992, 29% resulted in a sentence of imprisonment.** Further, the three highest volume offences (assault, theft under \$1,000, and impaired driving) all had imprisonment rates of between 17% and 21%, which pulled the overall Criminal Code rate down. Although the rate of imprisonment for other federal statute convictions was lower (12% as a group), there was considerable variation within these offences: Narcotic Control Act (NCA) trafficking - 82%; NCA possession - 15%; other NCA offences - 50%; Food and Drugs Act - 39%; and, "other" federal statutes - 3%.

When sanctions are presented according to the "most serious sanction" imposed (table 4), imprisonment appears to be the most frequently used sanction. However, when **all** sanctions are included for total Criminal Code offences (table 5), imprisonment was found to be used less frequently than fines (imposed for 51% of all convictions), probation (37%) and forfeiture/prohibition/community service orders (35%).

The following seven offences all showed an imprisonment rate of at least 80%: robbery, sexual assault with weapon/causing bodily harm, aggravated assault, use of firearm during commission of offence, escaping custody, unlawfully at large, and drug trafficking. A sentence of imprisonment was imposed at least 50% of the time for one-third of the 65 selected offences.

Conversely, the following offences showed an imprisonment rate of 10% or less: gaming and betting offences, "other" morals offences, causing disturbance/trespassing, breach of recognizance, and "other" federal statutes.

Although the frequency of imprisonment is one measure of the "relative" seriousness of an offence, the length of imprisonment must also be considered. Offences such as manslaughter, forcible confinement and procuring for prostitution, while not showing the highest rates of incarceration, do show relatively long median sentence lengths (table 6). For example, while two-thirds of manslaughter convictions resulted in a sentence of imprisonment, the median sentence length was 4 years. Conversely, an offence such as being unlawfully at large had a high rate of incarceration (89%), while showing a fairly short median sentence length (30 days). Sections 5.5, 5.6 and 5.7 describe sentence length in more detail.

### 5.3 Comparison of Single Charge and Multiple Charge Cases

The standard unit for analysis in this report is the "case", with the most serious offence in each case defining that case. This means that the sentencing characteristics for break & enter (for example) combine those cases involving only a single charge/count of B&E with those cases where there may have been other B&E convictions or convictions on other charges in the same case.

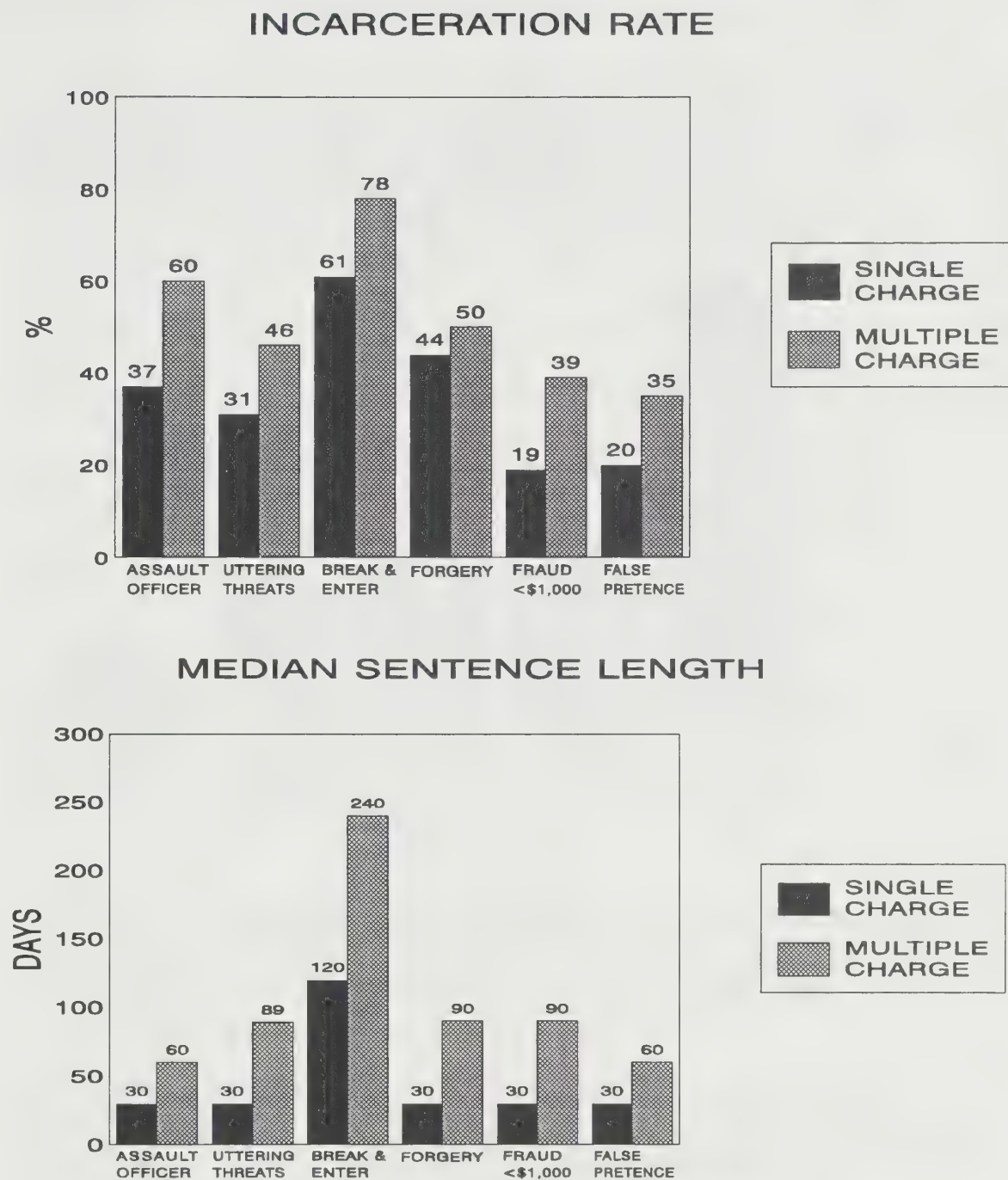
In the Sentencing Database, 77% of the cases resulting in conviction involved only one conviction, with the remaining 23% involving two or more convictions. In order to examine the effect, if any, of other related convictions on the sentence imposed on the most serious offence, 10 offences have been selected for analysis. For all 10 of these offences, at least 40% of the cases resulted in multiple convictions.

Table 7 and figure 6 below show that the incarceration rate for multiple charge cases is substantially higher than for single charge cases for each of the 10 offences. This pattern was evident in each jurisdiction. Similarly, the median sentence length ranged from two to three times higher for cases with multiple convictions than for cases with single convictions. These findings should be kept in mind when interpreting the sentencing characteristics contained throughout this report.

As an example to explain figure 6, the **incarceration rate** for "assaulting a peace officer" was 37% for single charge cases and 60% for multiple charge cases (with "assaulting a peace officer" being the most serious offence in the case). The **median sentence length** was 30 days for single charge cases and 60 days for multiple charge cases.



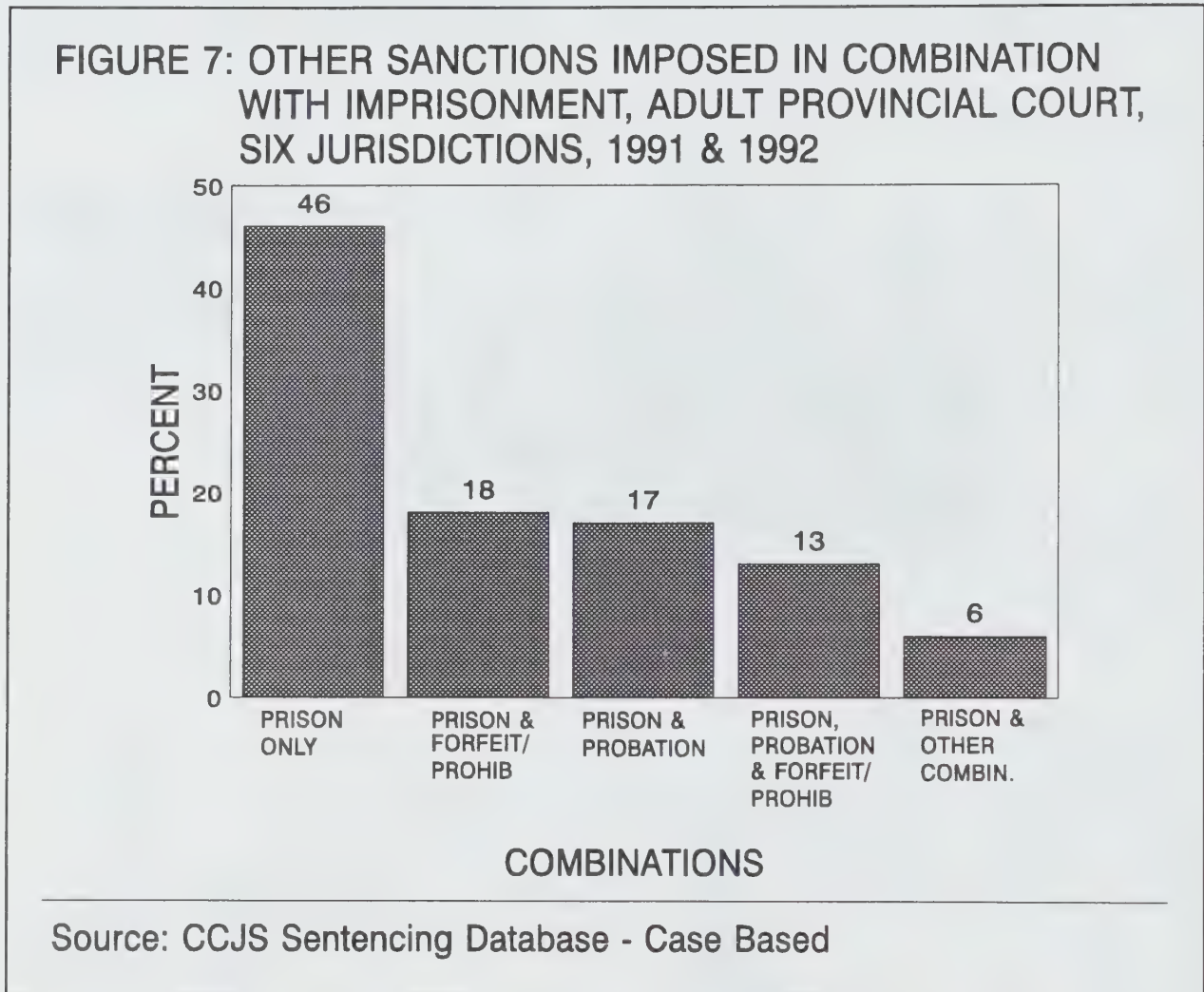
FIGURE 6: SENTENCING CHARACTERISTICS FOR SINGLE AND MULTIPLE CHARGE CASES, ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992



SOURCE: TABLE 7: CASE BASED

#### 5.4 Other Sanctions Imposed in Combination With Imprisonment

Figure 7 shows that four unique combinations of sanctions accounted for 94% of all combinations of sanctions involving imprisonment. The frequency of these combinations varies by specific offence. As there are 65 offences being examined in this study, the results at this level are too numerous to include in this report.



#### 5.5 Average Incarceral Sentence Length

Table 8 presents the "average" sentence length in terms of the mean, median and mode, the mid-80 percentile range of sentences, as well as the coefficient of variation for each of the 65 selected offences (see Appendix "C"- Methodology for detailed descriptions and comparisons of these measurements).



Comparison of median, mean, mode - In this report, the **median** has been chosen as the most meaningful indicator of central tendency. It represents the middle value when all values are ordered in terms of magnitude. In other words, 50% of the values fall below the median and 50% fall above the median. However, other measures of central tendency have been presented in order to inform the reader as to how the choice of one method over another can lead to quite different results.

The **mean** represents the sum of all values divided by the total number of values. The major limitation of the mean for sentencing data is that it can be influenced by only a few extreme values, such as "life" sentences. It can be seen from table 8 that the mean sentence length is longer than the median sentence length for all offences (except keeping bawdy-house which has only 15 cases). As an example, the median sentence length for sexual assault is 120 days or 4 months. However, the mean sentence length is 297 days or almost 10 months. This difference can be explained by examining the detailed sentence length categories in table 9: 11% of sentences imposed for persons convicted of sexual assault were for a period of 2 years or greater. While these long sentences have relatively little impact on the calculation of the median, they will inflate the mean.

The **mode** is defined as the one value which occurs most frequently. As an example, the most common sentence length imposed on persons convicted of sexual assault is 90 days, as compared to the median value of 120 days. Although the mode can still be a useful indicator of sentencing distribution, it is limited in its measurement of central tendency if it does not occur near the centre of the data (eg. frequent sentences of 1 day). There were actually 9 offences for which the most frequent sentence imposed was 1 day. The median sentence length for these offences ranged from 14 days (soliciting and causing a disturbance) to 60 days (forgery). For 31 of the 65 selected offences in table 8, the mode was equal to the median. In other words, the most common sentence length imposed also happened to be the middle value for almost one-half of the offences under study. In most cases where the mode was not equal to the median, the mode was lower.

Median Sentence Length - For all Criminal Code convictions resulting in prison in the six jurisdictions under study in 1991 and 1992, the median sentence length was 30 days. The 90th percentile was 240 days (table 8), meaning that 90% of sentences imposed were for a period of 8 months or less.

Of the 65 selected offences, four offences showed median sentence lengths of at least one year: manslaughter (4 years), sexual assault with weapon/causing bodily harm (2 years), robbery (1 year 9 months) and use of firearm during commission of offence (1 year, which is also the minimum penalty for this offence).

Four offences showed median sentences of less than 30 days: fail to appear in court (15 days), soliciting/obtaining services for prostitution (14 days), causing a disturbance / trespassing (14 days), and breach of recognizance (12 days).

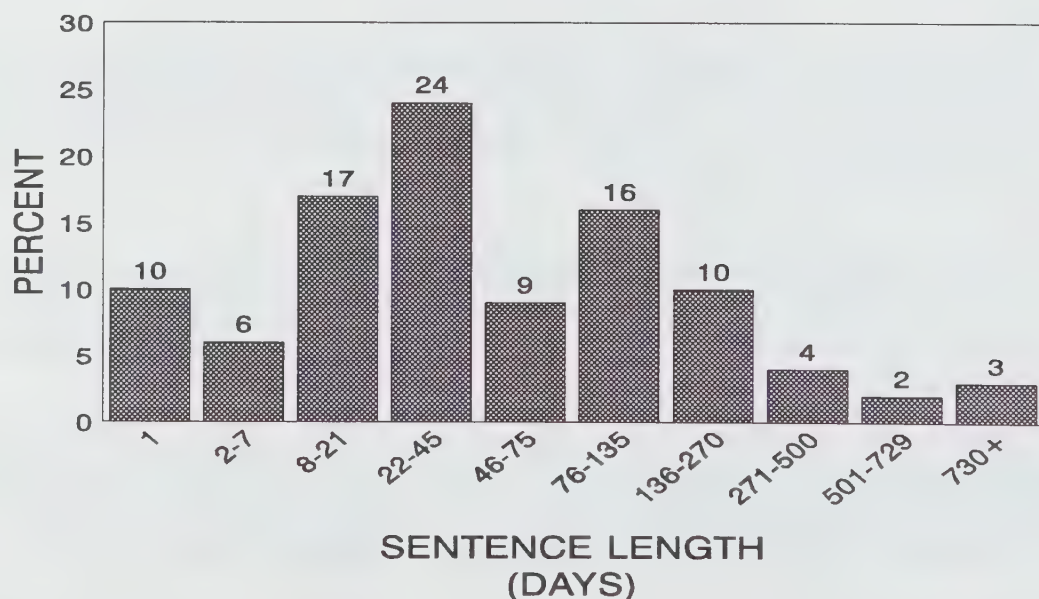
## 5.6 Sentence Length Categories

Table 9 groups sentence lengths imposed in adult provincial court into 10 categories. As sentence lengths tend to be in "rounded" figures, the categories have been selected so as to include common sentence lengths in the middle of each category as follows:

- 1 day: 1-day sentences are frequent enough (10%) to justify own category;
- 2- 7 days: sentences of 1 week (7 days) are most common;
- 8- 21 days: sentences of 2 weeks (14 or 15 days) are most common;
- 22- 45 days: sentences of 1 months (30 days) are most common;
- 46- 75 days: sentences of 2 months (60 days) are most common;
- 76-135 days: sentences of 3 months (90 days) are most common;
- 136-270 days: sentences of 6 months (180 days) are most common;
- 271-500 days: sentences of 1 year (365 days) are most common;
- 501-729 days: allows for an upper value of 2 years less a day (729 days); and,
- 730+ days: accounts for all sentences to federal penitentiaries.

Although the frequency of each category depends on the size of the category to some extent, the 22-45 day period was the most common sentence length imposed on persons convicted of Criminal Code offences (24%). The majority of the sentences in this category were for 30 days. A further 17% of sentences were for a period of 8-21 days (generally sentences of 2 weeks), and 16% were for between 76 and 135 days (generally sentences of 90 days). Only 3% of sentences imposed in adult provincial court were to a federal penitentiary for a period of 2 years or more (figure 8). Section 12.2 discusses sentencing variation among the 65 selected offences to determine if some offences show more consistent sentence lengths than others.

**FIGURE 8: INCARCERAL SENTENCE LENGTH IMPOSED FOR CRIMINAL CODE CONVICTIONS IN ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992**



SOURCE: TABLE 9 - CASE BASED



## 5.7 Sentences of One day

For a number of offences, it was not uncommon to be sentenced to just 1 day in prison: soliciting/obtaining services for prostitution (30%), causing disturbance/trespassing (29%), and fail to appear in court (25%). One area of interest is the relationship between sentences of 1 day and S. 718 of the Criminal Code, which states that "an accused shall not be fined in lieu of imprisonment where the offence of which he is convicted is punishable by a minimum term of imprisonment". Further, "an accused who is convicted of an indictable offence punishable with imprisonment for more than five years may be fined in addition to, but not in lieu of, any other punishment".

In other words, the Code does not allow a fine to be imposed unless it is accompanied by another type of sentence for these types of offences. In order to circumvent this statutory requirement, judges often resort to the imposition of a fine plus one day in prison<sup>6</sup>. To examine this further, all charges resulting in both a fine as well as a prison sentence of 1 day were selected, and the offences were examined to determine if there was either a minimum penalty or a maximum penalty of more than 5 years.

The results showed that of the 10,334 offenders (using the MSO rule) sentenced to 1 day of imprisonment, 14% also received a fine sentence. Of this group receiving a fine, 73% of the offenders were convicted of an offence having a maximum penalty of more than 5 years or a minimum penalty of imprisonment. By comparison, the overall percentage in the database represented by offences having a maximum penalty over 5 years or a minimum penalty of imprisonment was 17%.

Another way of examining this issue was to determine what percentage of the 3,733 cases having a sentence of both imprisonment and fine, resulted in a prison sentence of 1 day. Almost 40% of these sentences were for a period of one day, compared to the overall figure of 10% for one day sentences.

**The results of both examples above appear to indicate that, for those offenders who receive both a fine sentence as well as a sentence of imprisonment for 1 day, the imposition of imprisonment may be done primarily to adhere to Criminal Code provisions. In other words, if S. 718 did not exist, it is possible that these offenders would have received a fine sentence only.**

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Sentencing Reform, A Canadian Approach, - Report of the Canadian Sentencing Commission, 1986, p.164.

## 5.8 Offences Having a Minimum Punishment of Imprisonment

Very few Criminal Code offences carry a minimum punishment of a period of imprisonment. Of the 65 offences under study, only S. 85 offences (using a firearm during commission of offence) carry a minimum term of imprisonment as follows: 1st time offenders must be sentenced to at least 1 year; and, 2nd and subsequent offences must receive at least 3 years. While there are other offences which call for a minimum jail term for 2nd and subsequent offences (eg. impaired driving), these cannot be examined as the level of detail coded by the jurisdictions was not sufficient to determine 1st, 2nd or subsequent offences.

Table 8 reveals some interesting information on sentences imposed for S. 85 offences in provincial court. Although the minimum term of imprisonment is one year, both the median and modal sentence lengths were for exactly one year. Clearly, sentences imposed for this offence do not normally exceed the minimum punishment: only 19% were for a period greater than one year.

## 5.9 Maximum Penalties

All Criminal Code offences carry a maximum penalty. There are only 6 different maximum penalties under the Code: 6 months for summary offences, and 2 years, 5 years, 10 years, 14 years or life for indictable offences. In addition, Narcotic Control Act - possession offences carry a maximum penalty of 7 years.

One issue identified in the introduction to this report was that the maximum penalties currently outlined in the Code provide little guidance as to what sentence might be expected. Two questions need to be answered in relation to this issue: how frequently are maximum penalties imposed, and what is the relationship between the average sentence lengths and the maximum penalties?

How Frequently Are Maximum Penalties Imposed? - Table 6 shows that maximum penalties are imposed very rarely in provincial court. Of the 52 offences carrying an identifiable maximum penalty, 31 never had the maximum penalty imposed, 17 had the maximum penalty imposed less than 1% of the time, and only 4 offences (listed below) resulted in a maximum penalty over 5% of the time:

| <u>Offence</u>                 | <u>Maximum Penalty<br/>on Indictment</u> | <u>Frequency Maximum<br/>Penalty Imposed</u> |
|--------------------------------|--|--|
| Gaming and betting offences    | 2 years                                  | 10%  |
| Harassing/indecent phone calls | 6 months                                 | 7%   |
| Indecent acts/exposure         | 6 months                                 | 5%   |
| Fail to comply probation order | 6 months                                 | 5%   |



Two important points should be noted concerning this discussion. First, this study covers only "provincial" courts, thereby excluding "superior" courts. Superior courts tend to hear a more serious caseload as compared to provincial courts. As only the most serious cases normally receive the maximum penalty prescribed under the Code, chances are that the frequency of maximum penalties being imposed would be higher in the superior courts.

Second, many offences are "hybrid" offences, meaning that they can be proceeded with summarily or by indictment. Summary offences have a maximum penalty of 6 months, while indictable offences have maximum penalties ranging from 2 years to life. This analysis checks the sentences imposed on "hybrid" offences against the maximum penalty on indictment only. This means that "hybrid-summary" offences receiving sentences of 6 months will not be counted as having received the maximum penalty.

What is the relationship between median sentence lengths and maximum penalties? - Table 6 shows both the median sentence length for each of the 65 offences as well the maximum penalty on indictment. In general, the greater the maximum penalty, the longer the median sentence length:

| <u>Maximum Penalty on Indictment</u> | <u>Range of Median Sentence Length For Offences Having This Max. Penalty</u> |
|--------------------------------------|--|
| 6 months                             | 12 - 30 days   |
| 2 years                              | 15 - 90 days   |
| 5 years                              | 30 - 60 days   |
| 10 years                             | 30 - 300 days  |
| 14 years                             | 30 days to 2 years   |
| life                                 | 90 days to 4 years   |

However, certain offences can be seen to have a relatively short median sentence length when compared to their maximum penalties. Some of the largest variances are as follows:

| <u>Offence</u>                 | <u>Median Sentence</u> | <u>Max. Penalty on Indictment</u> |
|--------------------------------|------------------------|-----------------------------------|
| NCA trafficking                | 90 days                | life                              |
| Break and enter                | 180 days               | life                              |
| Personation with intent        | 30 days                | 14 years                          |
| Forgery                        | 60 days                | 14 years                          |
| Obstructing justice            | 30 days                | 10 years                          |
| Mischief-prop. damage >\$1,000 | 30 days                | 10 years                          |





Current sentencing reform proposals recommend the increased use of "**intermediate sanctions**". Intermediate sanctions are generally defined as dispositions between imprisonment and absolute discharge, and include probation, forfeiture, confiscation, disability and prohibition orders, community service orders, fines, restitution, compensation, suspended sentences and conditional discharges. Intermediate sanctions may be under-counted due to court system's limitations for the reporting of multiple sanctions.

Chapters 6-11 address two specific questions: (i) to what degree are "intermediate sanctions" currently being used in sentencing and for what types of offences? and, (ii) are these sanctions imposed independently or do they tend to be used in conjunction with other sanctions?

## CHAPTER 6. PROBATION

### 6.1 Probation Defined

Probation consists mainly of supervising offenders in the community through social work methods. Supervision is usually carried out by professional social workers employed by government correctional agencies or by volunteer probation officers. It is generally recognized that probation caseloads are more overcrowded than prisons/correctional centres, and that probation caseloads are too large to permit probation officers to do any serious work with most offenders.<sup>7</sup>

Where the accused is convicted of an offence, the court may suspend the passing of sentence and direct that the accused be released on the conditions prescribed in a probation order or, in addition to fining or sentencing the accused to a term not exceeding two years, direct that the accused comply with the conditions prescribed in a probation order. The maximum duration of a probation order is three years.

Certain conditions are mandatory in a probation order: that the accused shall keep the peace and be of good behaviour and shall appear before the court as required. Other conditions that **may** be prescribed include: being under the supervision of a probation officer; abstaining from the consumption of alcohol or from owning, possessing or carrying a weapon; or, making restitution or reparation to an aggrieved or injured person.

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<sup>7</sup> Taking Responsibility - Report of the Standing Committee on Justice and Solicitor General on its review of sentencing, conditional release and related aspects of corrections (David Daubney, M.P. - Chairman), August 1988, p. 103.

## 6.2 Frequency of Probation in Sentencing

All sanctions - Probation was ordered in **37% of all Criminal Code convictions and 26% of all Narcotic Control Act and Food and Drugs Act convictions in adult provincial court in the six jurisdictions under study** (table 5). Probation was most commonly used as a sanction for the following offences: sexual touching of child under the age of 14 (89% of all convictions); uttering threats of bodily harm (81%); harassing / indecent phone calls (76%); and, sexual assault (75%).

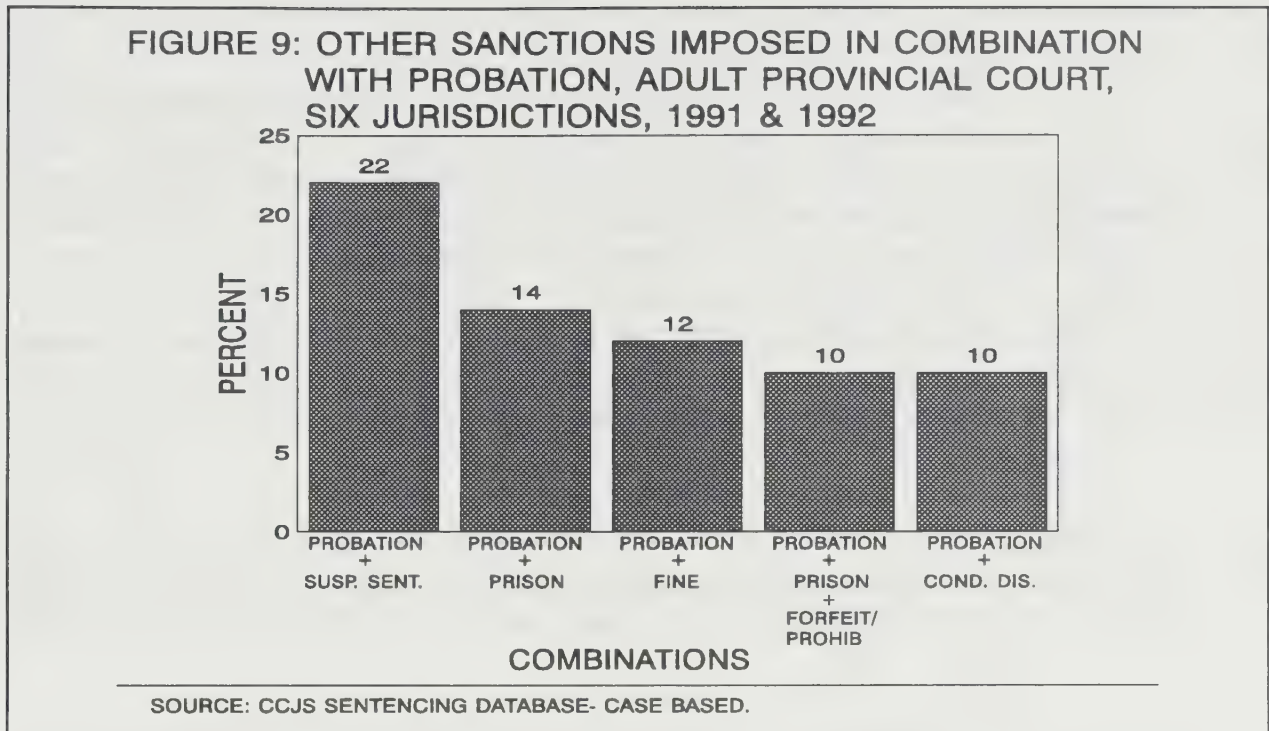
Probation was infrequently used as a sanction for the following offences: being unlawfully at large (9%); manslaughter (10%); escaping custody (11%); refusing to provide a breath sample (12%); breach of recognizance (14%); and, impaired driving (16%).

Most serious sanction - This study ranks probation as the second most serious sanction behind imprisonment. Clearly, the frequency of probation as the most serious sentence imposed will be lower in table 4 than in table 5: **probation was the most serious sentence imposed in 27% of all Criminal Code convictions and 16% of all Narcotic Control Act and Food and Drugs Act convictions**. Probation was the most serious sentence imposed for over 50% of convictions for the following offences: assault, uttering threats of bodily harm, harassing/indecent phone calls, fraud under \$1,000, and mischief (both over and under \$1,000 property damage).

## 6.3 Other Sanctions Imposed in Combination With Probation

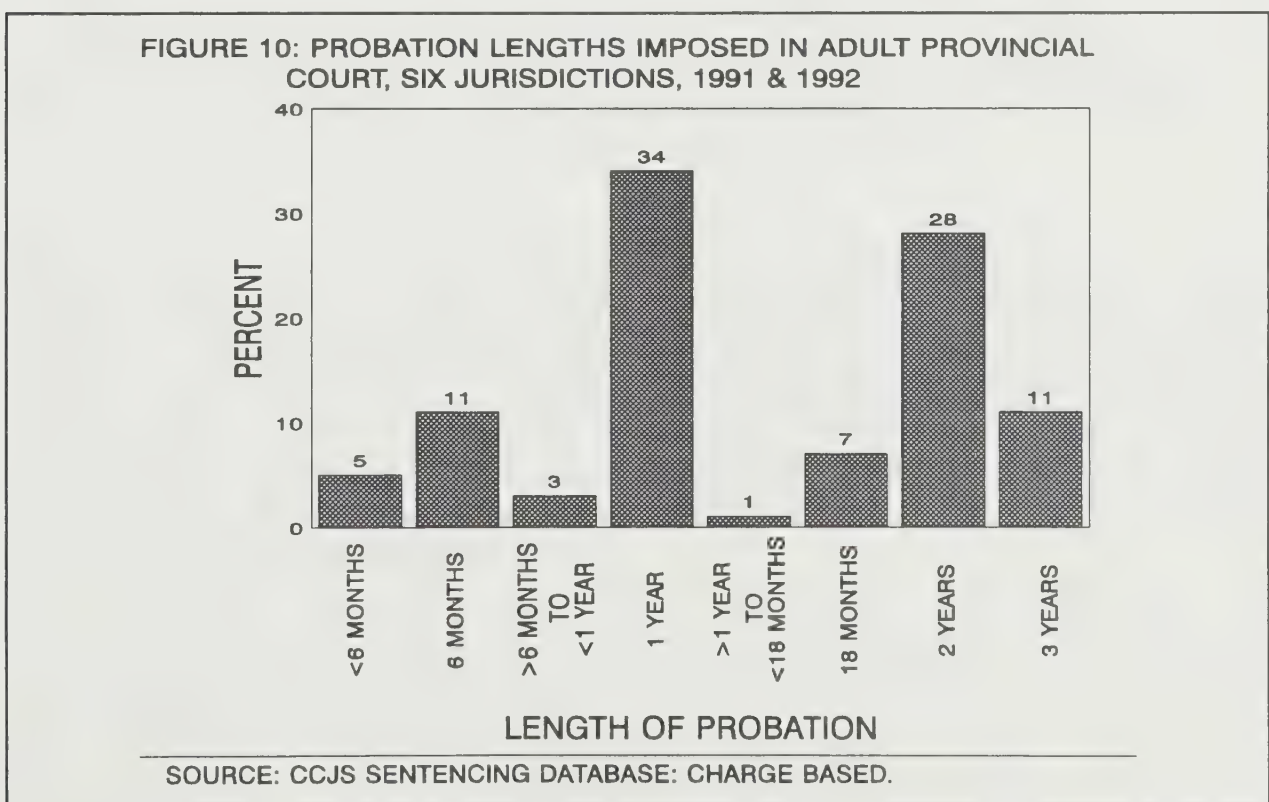
The sentence most commonly imposed in combination with probation was a suspended sentence (30%), followed by the group of sanctions including forfeiture/confiscation, disability and prohibition orders and community service orders (28%), imprisonment (26%), a fine (26%), conditional discharge (13%) and compensation/restitution (12%). Note that these percentages add to more than 100% due to the possibility of multiple sanctions being imposed for a single conviction. However, Figure 9 displays unique combinations of sentences which would total to 100% if all combinations were shown.





#### 6.4 Length of Probation

Due to data limitations with regard to the aggregate length of probation for each accused for each case, this section of the analysis will focus on the **charge** level. The maximum length of probation which can be ordered by the court is three years. This maximum was imposed on 11% of all charges receiving probation. Other common probation lengths were as follows: 6 months (11%), one year (34%), 18 months (7%), 2 years (28%); the remaining 9% were for other lengths (figure 10).



## **6.5 Failure to Comply With Probation Order**

Section 740 states that an accused who is bound by a probation order and who wilfully fails or refuses to comply with that order is guilty of an offence punishable on summary conviction. On the Sentencing Database there were approximately 33,000 charges resulting in conviction under Section 740. Slightly less than one half of these charges (14,630) represented the most serious offence in the case.

Table 5 reveals that 43% of offenders convicted for fail to comply with probation order were sentenced to imprisonment, 42% received a fine (either alone or in combination with another sanction), 32% received probation, and 31% received a forfeiture / prohibition / community service order.

In one-half of all cases involving convictions for this offence, failure to comply with probation order was the only conviction in the case. In other words, 50% of all convictions under Section 740 are in combination with convictions for other offences.



## **CHAPTER 7. FORFEITURE, PROHIBITION, COMMUNITY SERVICE ORDERS**

### **7.1 Type of Sanctions Included in This Category**

This chapter focuses on the group of sanctions which include forfeiture/confiscation, disability and prohibition orders, and community service orders. With the exception of community service orders, these sanctions cannot be examined individually. The majority of jurisdictions included in this study report their court data through the Centre's ACCS survey, which aggregates these sanctions into one category. Although "community service orders" are currently not a sanction in their own right (they are made under the terms of a probation order), they have been included in this category for the purposes of this report.

Some of these orders fall within the discretion of the judge to impose, while others are mandatory and must be made in addition to the other punishment prescribed for the offence.

Forfeiture and confiscation orders - The following types of items may be ordered to be forfeited by the court: weapons, explosives, narcotics, property obtained illegally, counterfeit money, telecommunication devices used for illegal purposes, obscene material, hate propaganda and gaming material.

Disability and prohibition orders - There are two major types of prohibition orders: (i) from possessing firearms, ammunition or explosive substances (convictions under S. 85: use of firearms or other weapons during commission of offence); and, (ii) from operating a motor vehicle (convictions under various motor vehicle offences). Another type of restriction included in this category is a "peace bond", where the offender is ordered into a recognizance to keep the peace and be of good behaviour for a certain period of time. This bond is most commonly used when it is feared that an offender will cause injury to another or another's family, or will damage another's property.

Community service orders - Community service orders (CSO) must currently be made as part of a probation order. However, proposed sentencing reforms from Justice Canada call for community service orders to be made a sanction in their own right.<sup>8</sup> A CSO cannot be ordered if the offender is convicted of an offence with a minimum punishment. Under the terms of the CSO, the offender is ordered to perform a specific number of hours of community service without pay. Examples of typical community service work include helping the underprivileged or disadvantaged, shovelling snow, cleaning parks, and working in children's centres.

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<sup>8</sup> Directions for Reform - Sentencing, Department of Justice Canada, 1990, p.16.

## 7.2 Frequency of the Use of Forfeiture, Prohibition Orders and CSOs

All sanctions - **This group of sanctions was used in 35% of all Criminal Code convictions and 19% of all Narcotic Control Act (NCA) and Food and Drugs Act (FDA) convictions.** However, these sanctions tended to be concentrated for certain offences (table 5). For example, 83% of breach of recognizance convictions received one of these sanctions, most likely the "peace bonds" described above.

Over 50% of all convictions for motor vehicle offences and over 80% of all convictions for impaired driving received one of these sanctions. Section 259 of the Criminal Code states that when an offender is convicted of impaired driving, it is mandatory that the offender is prohibited from operating a motor vehicle for a period ranging from a minimum of 3 months to a maximum of 3 years, in addition to any other punishment. Forty-two per cent of all convictions for use of firearm during commission of offence resulted in either forfeiture of a weapon or a prohibition order from possessing a weapon or ammunition.

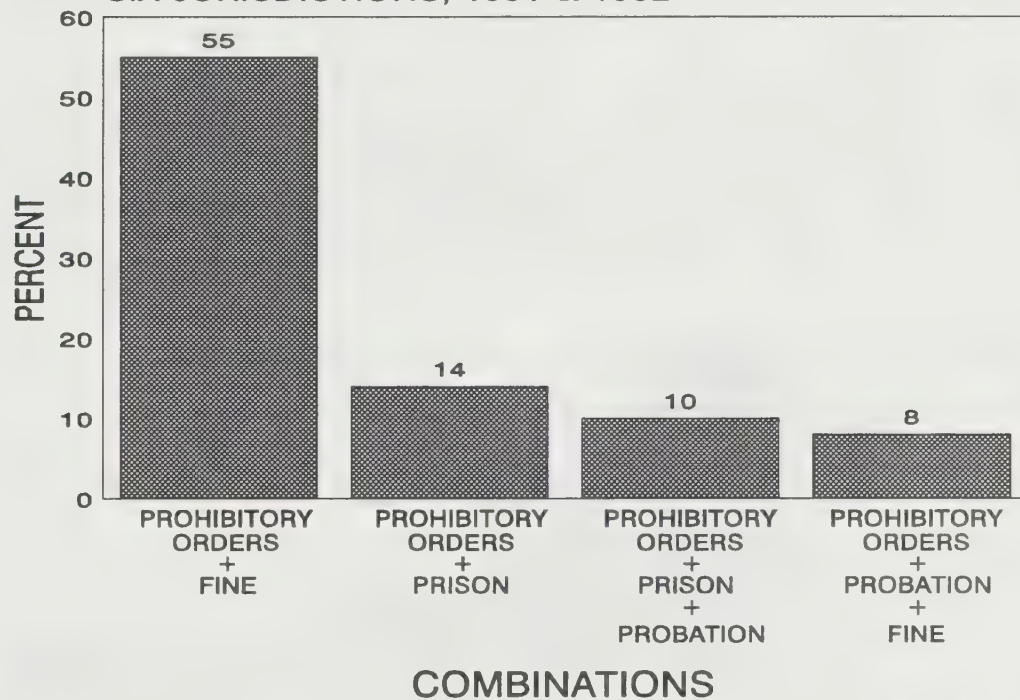
One offence (soliciting/obtaining services for prostitution) rarely resulted in one of these sanctions being imposed on conviction (1% of all convictions).

Most serious sanction - **This group of sanctions represented the most serious sanction imposed for 19% of all Criminal Code convictions and 9% of all NCA and FDA convictions (table 4). There were only three offences where these sanctions were the most serious imposed for the majority of all convictions: breach of recognizance (78%), refuse to provide breath sample (69%), and impaired driving (60%).** Although firearm restrictions were commonly imposed for convictions for use of firearm during commission of offence, these sanctions were never the "most serious sanction", due to the high frequency of imprisonment imposed for this offence.

### 7.3 Other Sanctions Used in Combination With Forfeiture and Prohibition Orders

Seventy-one per cent of all forfeiture and prohibition orders were imposed in combination with a fine. Just over one-quarter (26%) were imposed in combination with imprisonment, and 23% were imposed in combination with probation. Note that these percentages add to more than 100% due to the possibility of multiple sanctions being imposed for a single conviction. However, figure 11 displays unique combinations of sanctions which would total to 100% if all combinations were shown.

**FIGURE 11: SANCTIONS IMPOSED IN COMBINATION WITH FORFEITURE/ PROHIBITORY ORDERS, ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992**



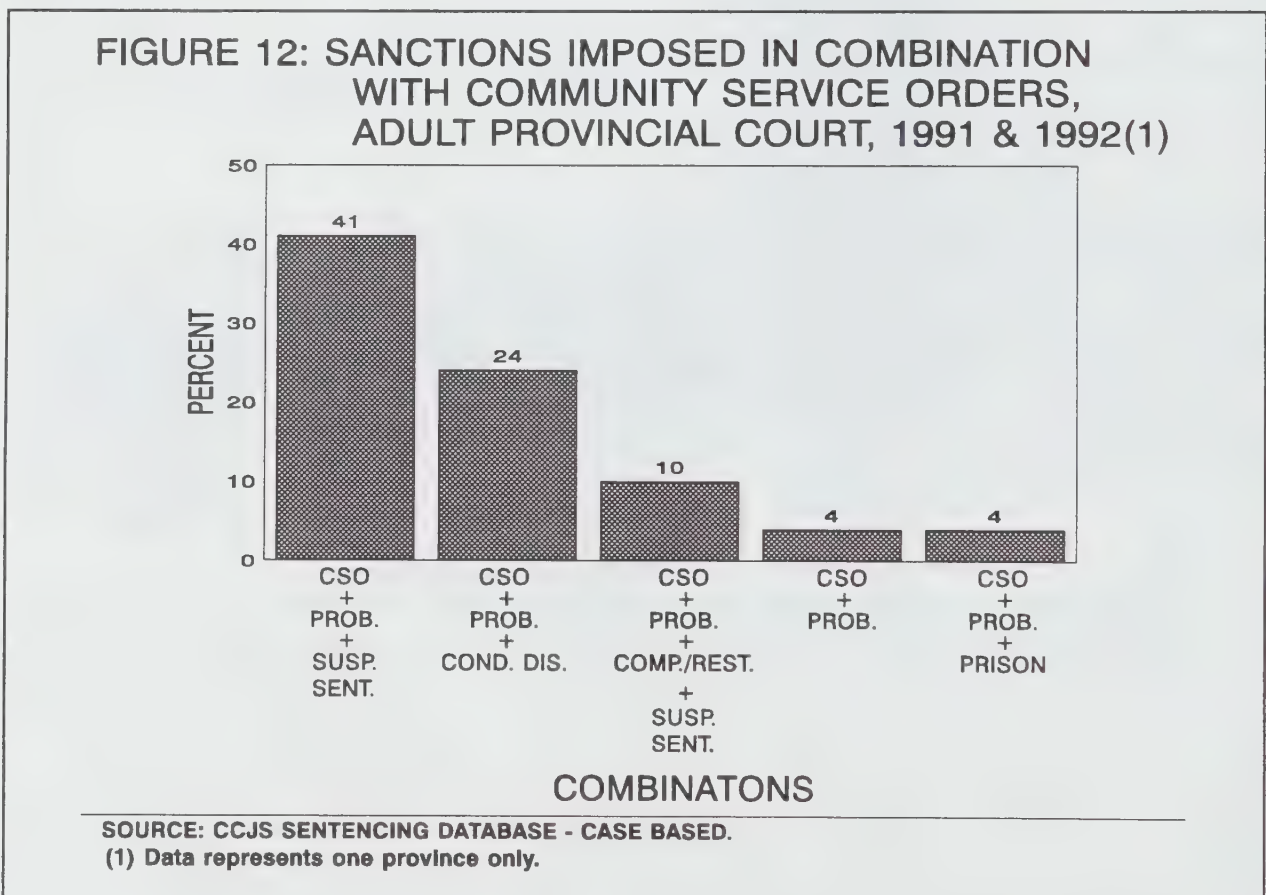
SOURCE: CCJS SENTENCING DATABASE - CASE BASED.



#### 7.4 Community Service Orders (one province only)

This sanction may be under-counted due to court system's limitations for the reporting of multiple sanctions. Community service orders (CSOs) were imposed in 4% of all Criminal Code convictions. This sanction was most commonly imposed for breach of recognizance convictions (60%). Other offences which received a CSO as a sentence over 10% of the time included fraud over \$1,000 (14%), theft/forgery of a credit card (12%), and theft over \$1,000 (11%).

As described in Section 7.1, a CSO is not a sanction on its own: it must be made as part of a probation order. However, CSOs can be ordered in combination with other sentences in addition to probation: only 4% of sentences were for a CSO and probation only. Other sanctions used in combination with CSOs were suspended sentences (53%), conditional discharge (27%) and restitution (15%). The single most common unique combination involving CSOs was for a sentence of probation, community service order and a suspended sentence (41%) (figure 12).



## CHAPTER 8. FINES

### 8.1 Overview of Fine Sentences

A fine refers to the offender being ordered by the court to pay a sum of money to the provincial treasurer or the Receiver General for Canada. A fine is an attractive sentencing option for judges: it does not disrupt the offender's social and economic ties with the community, it can be relatively inexpensive to administer, and it generates revenue for the administering government.

With two exceptions, the offender may be fined in lieu of any other punishment or in addition to that punishment: if the offender has been convicted of an offence which has either a minimum term of imprisonment, or a maximum penalty greater than five years, then the offender **cannot** receive a "fine alone" sentence (see section 5.7 for discussion of sentences of "1 day imprisonment + fine").

In sentencing an offender to payment of a fine, the judge may direct that a term of imprisonment be imposed in default of payment of the fine. Fine option programs are available in most provinces to enable offenders to work off their fines at a given rate per hour by performing work in the community. These programs reduce the risk of imprisonment for fine default and are usually negotiated "up-front" at the determination of ability to pay.

Justice Canada has recently called for reforms in the imposition and collection of fines, citing two major difficulties with the current legislation: first, a significant number of fines are never collected; and second, upon default in the payment of a fine, the courts have little discretion except to imprison the defaulting offender (fine default admissions accounted for one-third of all admissions to provincial custody in 1991/92<sup>9</sup>). The proposed reforms from Justice Canada include conducting a formal "means inquiry" at the point of sentencing to ensure that the offender has the resources to pay a fine, giving courts the power to collect fines through seizure of assets and garnishment of wages, and making the offender still liable for payment even after serving the term of incarceration for fine default<sup>10</sup>. Further, the proposed Contraventions Act will change a variety of federal statute offences into "ticketable" infractions.

The "victim fine surcharge" was introduced as a Criminal Code amendment in 1989 to establish a fund for crime victims by compelling offenders to pay 15% over and above

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<sup>9</sup> Adult Correctional Services in Canada - 1991-92 Statistical Report, Canadian Centre for Justice Statistics, Statistics Canada, pp. 30,31.

<sup>10</sup> Directions for Reform - Sentencing, Department of Justice Canada, 1990, pp.13,14.

any fine amount imposed. The degree to which this surcharge is being utilized by judges is relatively unknown. It is also not known whether the surcharge is being imposed in addition to the amounts of fines previously imposed, or whether the quantum of the fine is being adjusted downward to partially accommodate the surcharge.

## 8.2 Frequency of the Use of Fines

All sanctions - **Table 5 shows that fines were the most commonly used sanction in adult provincial court in the six jurisdictions under study.** Fines were imposed in over one-half (51%) of all Criminal Code convictions, 58% of convictions under the Narcotic Control Act and Food and Drugs Act, and 95% of "other" federal statutes.

Fines were imposed most frequently for impaired driving (84%), fail to stop at scene of accident (76%), keeping common bawdy-house (72%), NCA possession (71%), and gaming and betting offences (69%). It should be noted that impaired driving convictions contain a minimum penalty of a \$300 fine for a first offence. However, for second and subsequent offences, there is a minimum punishment of imprisonment. The 84% figure for impaired driving could be explained by a number of repeat offenders sentenced to imprisonment without a fine.

Fines were rarely imposed for more serious offences such as sexual assault causing bodily harm (3%), robbery (4%), and use of a firearm during commission of offence (8%).

Most serious sanction - Table 4 shows that **a fine was the most serious sentence imposed for 21% of Criminal Code convictions, 40% of NCA and FDA convictions, and 63% of "other" federal statutes.**

**Only three offences received a fine as their most serious sentence over 50% of the time: gaming and betting offences (54%), soliciting/obtaining services for prostitution (52%), and NCA possession (51%).**

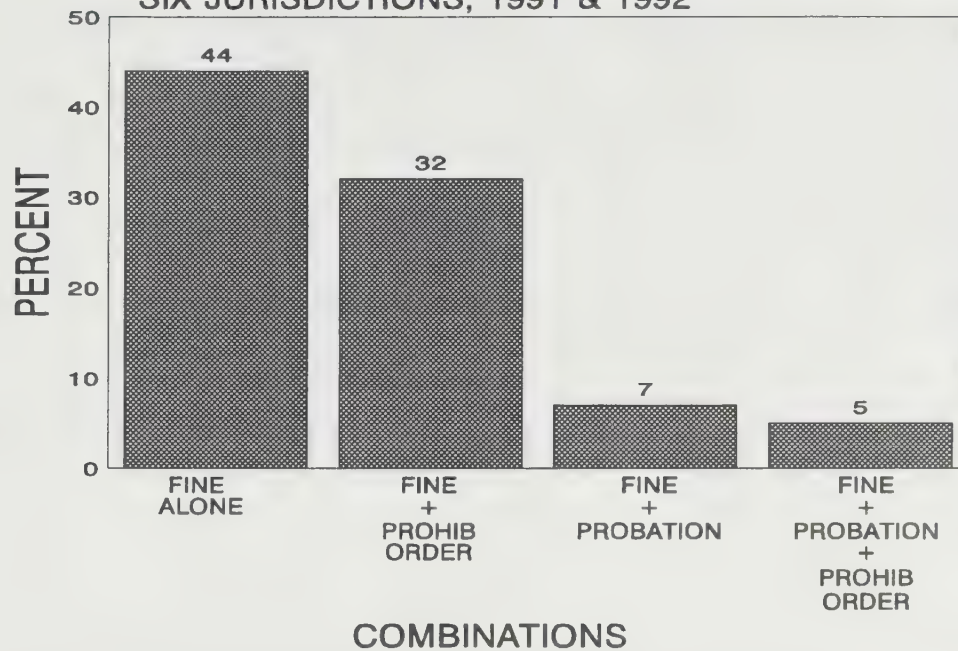
## 8.3 Other Sentences Imposed in Combination With Fines

Fines tended to be imposed in combination with forfeiture/prohibition orders (41% of the time) and with probation (15% of the time). Sentences of imprisonment were imposed in only 2% of all instances involving a fine. Many of these carceral sentences (39%) were for a period of one day only (see section 5.7).

Figure 13 shows that two unique combination of sentences involving fines accounted for over three-quarters of all fine sentences: fine alone (44%) and fine + forfeiture / prohibition orders only (32%).



**FIGURE 13: SANCTIONS IMPOSED IN COMBINATION  
WITH FINE SENTENCES, ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992**



SOURCE: CCJS SENTENCING DATABASE - CASE BASED.

#### 8.4 Fine Amounts

The median fine amount imposed for all Criminal Code offences in adult provincial court was \$300 (table 10). Fine amounts (as measured by the mid-80 percentile) ranged from \$75-700. This represents the range of all fine amounts excluding the highest and lowest 10%.

Only two offences showed a median fine amount of over \$500: impaired driving causing bodily harm (\$827), and dangerous operation of a motor vehicle causing bodily harm (\$700). The median fine amount for impaired driving was \$500. It should be noted that impaired driving convictions carry a minimum fine of \$300 for a first offence.

Soliciting/obtaining services for prostitution showed the most restricted range of fine amounts, as measured by the mid-80 percentile range. The median fine amount for this offence was \$200, and 80% of fines were between \$100 and \$300.



## **CHAPTER 9. COMPENSATION / RESTITUTION**

### **9.1 Compensation / Restitution Defined**

Compensation and restitution both represent economic sanctions which redress the victim of an offence for loss, damage or injury suffered. There are generally two types of **compensation**: (i) the court may order the offender to compensate the victim for loss or damage to property suffered as a result of the commission of an offence; and, (ii) the offender could be ordered to pay compensation to a "bona fide" purchaser who had purchased goods in good faith not realizing that they had been illegally obtained.

**Restitution** refers to the financial reimbursement to the victim for either property damage or for personal injury as a result of the offence committed.

As these two terms tend to overlap in meaning, the term "compensation" will be used throughout the remainder of this chapter to refer to both these sanctions.

### **9.2 Frequency of the Use of Compensation**

**Compensation was imposed for 5% of all Criminal Code convictions and less than 1% of NCA, FDA and "other" federal statute convictions** in adult provincial court in the six jurisdictions under study (table 5). As compensation was usually imposed in combination with probation (see section 9.3), it was rarely the "most serious sentence" imposed on an offender.

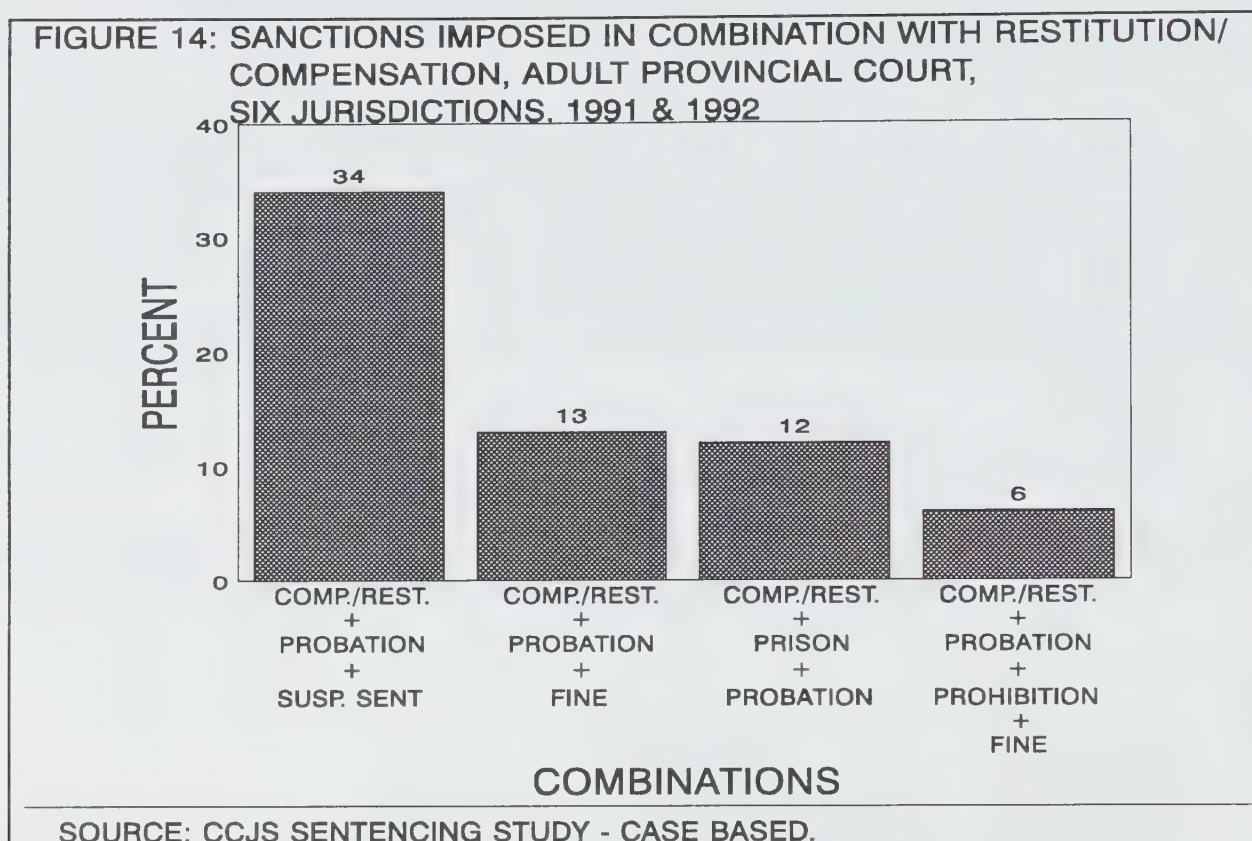
Since this sanction is primarily intended to compensate for property loss or damage, it is not surprising that it is most commonly used for property and fraud offences: between 25% and 50% of all convictions for fraud, false pretences and mischief-property damage resulted in a sentence of compensation.

### **9.3 Other Sentences Imposed in Combination With Compensation / Restitution**

Compensation was used on its own as a sanction less than 1% of the time. Compensation was generally imposed along with a sentence of probation (92% of the time), suspended sentence (39%), a fine (27%) or imprisonment (17%).

The most common combination of sentences consisted of compensation in combination with probation and a suspended sentence (one-third of all sentences involving compensation). Two other combinations were common: compensation + probation + fine (13%), and compensation + prison + probation (12%) (figure 14).





#### 9.4 Compensation Amounts

Table 11 shows the median amount of compensation ordered by the court for assault and property offences only. The remaining offence categories did not generate a sufficient volume of charges resulting in compensation for analysis. It should be noted that, while data for Quebec are included in the total number of cases receiving compensation, data were not available for compensation amounts.

The median compensation amount ordered for all Criminal Code convictions was \$250, slightly lower than the median fine amount of \$300. The offences receiving the highest median compensation amounts were theft over \$1,000 (\$1,207) and fraud over \$1,000 (\$1,825). However, there was a wider range of compensation amounts imposed compared with the range of fine amounts, as measured by the mid-80 percentile. Excluding the highest and lowest 10% of values, compensation amounts ranged from \$45 - \$2,992, compared to \$75 - \$700 for fines.

## **CHAPTER 10. SUSPENDED SENTENCES**

### **10.1 Suspended Sentence Defined**

Upon conditions set out in a probation order, a judge may choose to "suspend" the passing of sentence altogether. This sentence cannot be imposed for those offences with a minimum punishment. Should the offender breach any of the conditions of the probation order during its term, the offender is liable to be returned to court to be sentenced for the original offence.

It has been recommended that probation orders be made in conjunction with "true suspended sentences", where the sentencing judge would make an order of imprisonment for a specific period of time, suspend the enforcement of the order and substitute in lieu thereof a period of probation. If the conditions of probation were subsequently breached, then a simple "revocation hearing" could be held and the original sentence enforced.<sup>11</sup>

### **10.2 Frequency of the Use of Suspended Sentences**

**Table 5 reveals that suspended sentences were imposed for 11% of all Criminal Code convictions, 4% of all NCA and FDA convictions, and 2% of all "other" federal statute convictions** in adult provincial court in the six jurisdictions under study. The four offences most frequently receiving a suspended sentence were: sexual touching of child under 14 (33% of all convictions); uttering threats of bodily harm (33%); mischief - property damage over \$1,000 (33%); and, fraud over \$1,000 (31%).

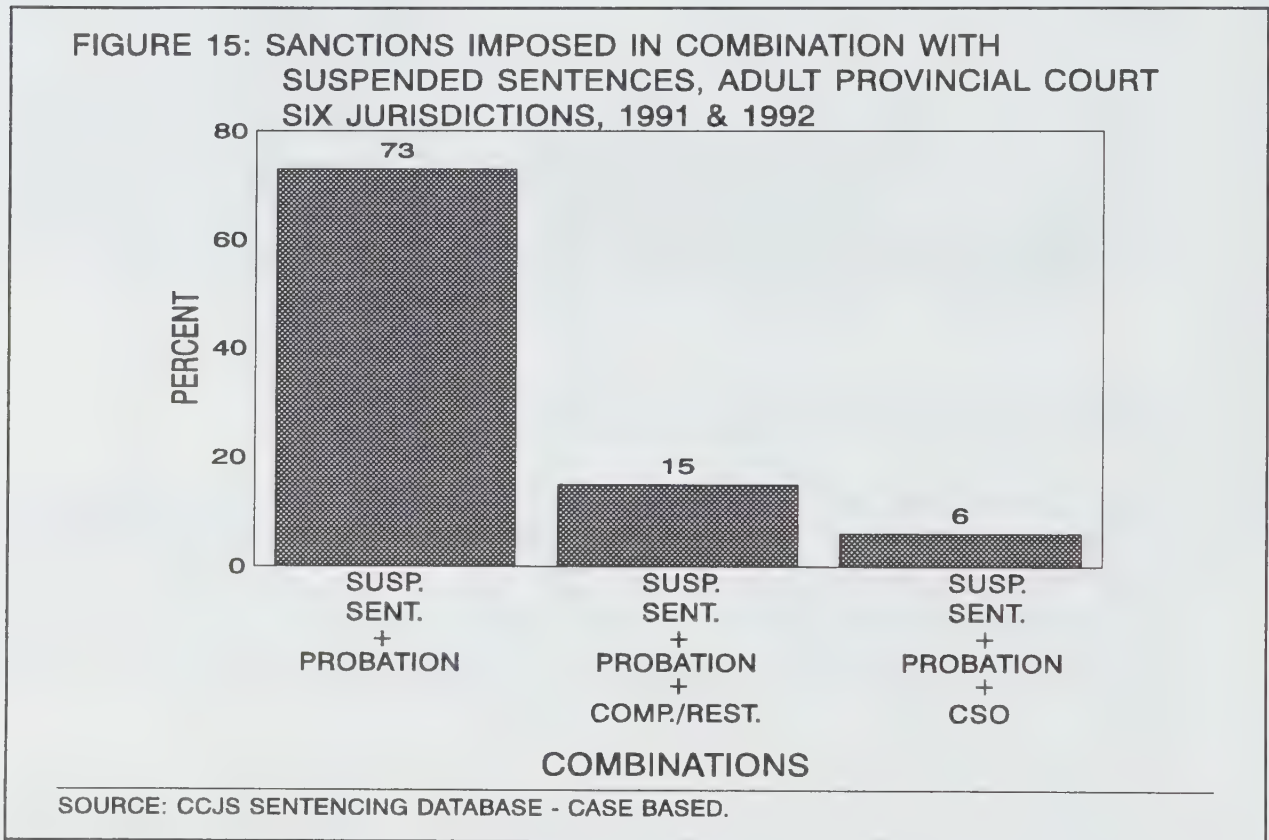
As mentioned above, a sentence cannot be "suspended" if the offence carries a minimum punishment. For example, table 5 shows that impaired driving convictions rarely received a suspended sentence. As a suspended sentence must always be part of a probation order, it can never be classified as the "most serious sentence" imposed on an offender.

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<sup>11</sup> Taking Responsibility - Report of the Standing Committee on Justice and Solicitor General on its review of sentencing, conditional release and related aspects of corrections (D. Daubney, Chairman), August 1988, p. 104.

### 10.3 Other Sentences Imposed in Combination With a Suspended Sentences

A suspended sentence was imposed in combination with probation in virtually all instances, as per the Criminal Code provisions. Almost three-quarters (73%) of all sanctions involving a suspended sentence included probation only. Fifteen percent also included a sentence of compensation or restitution (figure 15).





## **CHAPTER 11. DISCHARGE**

### **11.1 Conditional Discharge**

If an accused is granted a conditional discharge, he/she does not stand convicted of the offence in respect of which the order is made, although the accused may appeal against the finding of guilt as if it were a conviction, and the Crown may appeal against the decision not to convict the accused as if it were an acquittal. An accused cannot receive a discharge if the offence carries either a minimum punishment or has a maximum penalty of imprisonment of 14 years or more.

"Conditional" discharge refers to the accused being discharged on the conditions prescribed in a probation order. If the offender commits an offence while still under probation, then the court may revoke the discharge and convict the offender of the original offence.

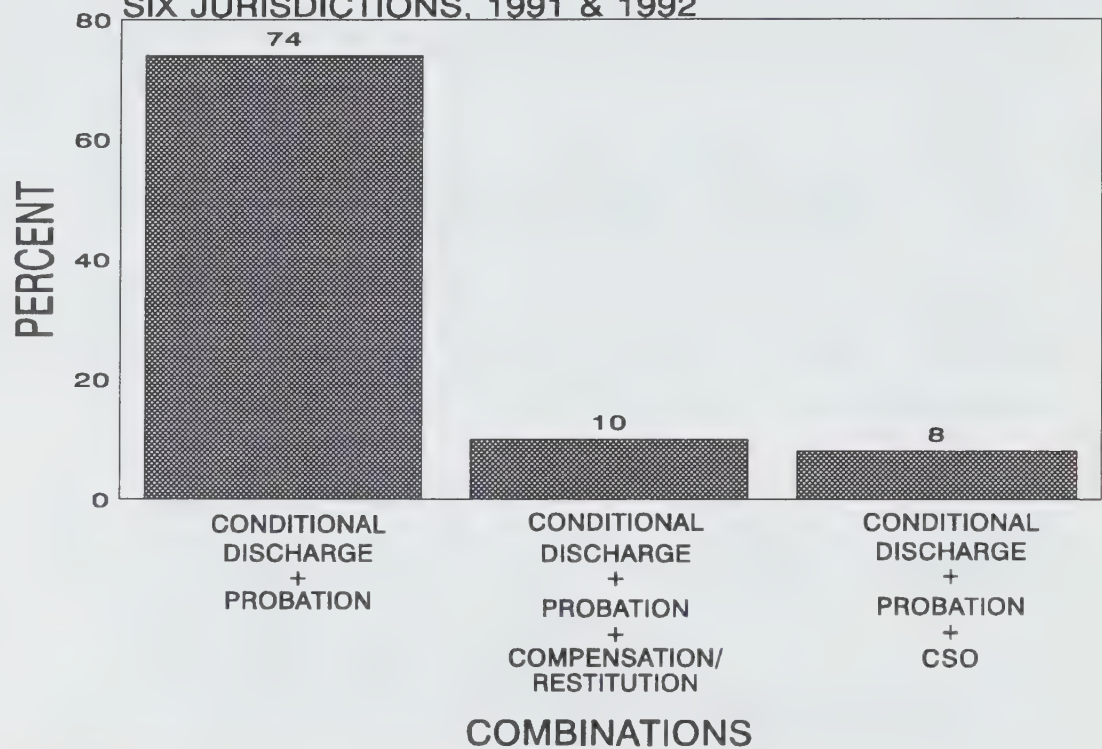
Frequency of the use of conditional discharge - Table 5 reveals that **conditional discharge was granted for 5% of all Criminal Code "convictions", 5% of all NCA and FDA "convictions", and less than 1% of all "other" federal statute "convictions"**. The offences which most frequently received a conditional discharge included gaming and betting (17%), harassing/indecent phone calls (15%), mischief - property damage over \$1,000 (15%) and under \$1,000 (10%), assault (12%), indecent acts/exposure (12%), and minor thefts (10-12%).

Sentences used in combination with conditional discharge - A conditional discharge was granted in combination with probation in virtually all instances, as per the Criminal Code provisions. Almost three-quarters of all sanctions involving a conditional discharge were for probation + a conditional discharge only (74%). Ten percent also included a sentence of compensation or restitution (figure 16).

### **11.2 Absolute Discharge**

An absolute discharge differs from a conditional discharge described above in that it does not involve a probation order. **Absolute discharges were granted for 3% of all Criminal Code "convictions", 4% of all NCA and FDA "convictions", and less than 1% of all other federal statute "convictions"**. This type of sanction was most frequently granted for those found guilty of various morals offences (soliciting/obtaining services for prostitution (16%), indecent acts/exposure (14%), gaming and betting offences (9%), and other morals offences (14%)), as well as for minor thefts such as shoplifting (11%). As the granting of an absolute discharge does not involve any other sanction being imposed, these percentages also apply to the distribution by "most serious sentence".

**FIGURE 16: SANCTIONS IMPOSED IN COMBINATION WITH  
CONDITIONAL DISCHARGE, ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992**



SOURCE: CCJS SENTENCING DATABASE - CASE BASED.

## CHAPTER 12. SENTENCING VARIATION

### 12.1 Sentencing Variation Defined

One of the major issues in sentencing today concerns sentencing variation. Sentencing variation can mean different things to different people. One of the best definitions of sentencing variation originates from a 1988 Canadian Sentencing Commission Report, which categorizes sources of variation into two groups: primary and secondary.<sup>12</sup>

**"Primary" variation** is defined as differences among judges as to the purposes or aims of the sentencing process. As an example, if two judges have differing views over the purpose of sentencing an offender (eg. deterrence vs rehabilitation), then this difference may manifest itself in disparate sentences for similar offenders.

**"Secondary" variation** arises from differences among judges in the importance attributed to various mitigating and aggravating factors associated with a particular case. For example, the offender's age may be a significant factor for one judge, while having no effect on the decision of another judge.

The existence of variation is not necessarily "unwarranted". Before attributing variation in sentencing to an unwarranted source, one has to assume comparable cases were sentenced in each court. It is always possible that differences in sentences between two cases involving the same offence could be attributed to differences in the characteristics of the cases, rather than to differences in sentencing practices.

Typical "aggravating" factors which may be taken into consideration by the sentencing judge include the previous criminal history of the offender, actual or threatened violence, the vulnerability of the victim, presence of multiple counts or multiple victims, and breach of trust. Some common "mitigating" factors include the impairment or diminished capacity of the offender (drugs, alcohol, mental problems, etc.), remorse shown by offender, age of offender, provocation by the victim, and evidence of a "minor role" (accessory) played by the offender.

Sentencing variation will be examined in this study in two areas: (i) variation among offence types; and, (ii) variation in the rate of incarceration and in the median sentence length among jurisdictions and major cities. The former area will compare the range of sentence lengths imposed on offenders convicted of selected offences to determine if certain offences tend to receive more consistent sentences than other offences.

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<sup>12</sup> Empirical Research on Sentencing, Julian Roberts, Research Reports of the Canadian Sentencing Commission, Department of Justice Canada, 1988, pp. 17,18.



## 12.2 Variation in Sentence Lengths Imposed For Selected Offences

A simplistic approach to measure variation among offences would be to compare the size of the **mid-80 percentile range** for each of the 65 selected offences. This range is defined as the range of values excluding the lowest 10% and highest 10% of carceral sentences. However, the upper range of sentences for less serious offences is constrained by relatively low maximum penalties (eg. 6 months or 2 years). Therefore, this measurement technique is not appropriate when comparing less serious offences with more serious offences.

A second option would be to use the **standard deviation**. This measurement represents the "average" deviation of all sentence lengths from the "mean" sentence length. However, this technique is also limited in that, even if two offences have roughly the same proportional variation in sentence lengths, the offence having the higher mean sentence length will tend to have a larger standard deviation.

In order to overcome this latter limitation, the **coefficient of variation (c.v.)** has been selected as the most appropriate method of examining variation in sentence length. This is a unitless measure of relative variability and is defined as the ratio of the standard deviation to the mean. The higher the coefficient of variation, generally the greater the variability of the distribution.

Table 8 shows the c.v. for 57 selected offences (the c.v. calculation for the "other" categories has little significance). In terms of interpreting the relative range of results, it should be noted that the average c.v. for the 57 offences was 175. The offences which showed the largest variation in sentence lengths in the six jurisdictions combined were (with the c.v. in brackets): fail to appear in court (649), obstructing peace officer (512), causing a disturbance/trespassing (363), uttering threats (289), and theft under \$1,000 (270).

Those offences which tended to show relatively small variation in sentence lengths included: manslaughter (86), sexual assault with weapon/causing bodily harm (86), keeping a common bawdy-house (87 - based on only 15 cases, however), robbery (95), procuring for prostitution (106), and making harassing/obscene phone calls (108).

Clearly, some offences tend to receive more consistent sentences than others. However, so many different factors affect sentencing that it cannot be concluded through this study that this variation is necessarily "unwarranted".

### 12.3 Variation Among Jurisdictions

The Sentencing Database for this study is comprised of six jurisdictions: Prince Edward Island, Nova Scotia, Quebec, Ontario, Alberta and the Yukon. As mentioned in section 12.1, sentencing variation will, no doubt, be found among these jurisdictions. This variation could be as a result of many factors and is not necessarily "unwarranted".

Before any conclusions are drawn from these comparisons, the reader must keep in mind that there are previously mentioned coverage limitations which affect some of the jurisdictions. Halifax city court and Liverpool provincial court, representing approximately 15% of Nova Scotia's annual caseload, are not included in the data for **Nova Scotia**. In addition, the 133 municipal courts in **Quebec**, which hear summary federal charges (primarily traffic offences) are not included in the database. The existence of these courts may result in Quebec's provincial courts hearing proportionally "more serious" cases than provincial courts in other provinces.

Incarceration rates for total Criminal Code convictions in adult provincial court ranged from 18% in Nova Scotia to 61% in P.E.I. (table 12A). The median sentence length imposed for total Criminal Code offences ranged from 14 days in P.E.I. to 60 days in Quebec (table 13).

As each jurisdiction has a very different mix of caseload, this information has little utility unless it is examined at the offence level. For example, incarceration sentences were imposed on virtually all offenders convicted of impaired driving in P.E.I. (97%), compared to rates ranging from 6% to 35% in the remaining jurisdictions. However, the median sentence length for impaired driving in P.E.I. was 4 days in prison, compared to median lengths ranging from 21 to 90 days in the other jurisdictions. As impaired driving convictions represented one-third of total convictions in adult provincial court in P.E.I., the overall sentencing characteristics for P.E.I. will be influenced significantly by the characteristics of this one offence.

Eight offences have been selected for analysis in this section. For each offence, the incarceration rate and the median sentence length are examined together in graphical format. In addition, crime rates from the Uniform Crime Reporting (UCR) survey of CCJS have been included for additional contextual purposes. However, it should be pointed out that police and court boundaries do not necessarily correspond.

Examining figures 17 and 18 and tables 12A and 13, some jurisdictional patterns do emerge. Generally speaking, Prince Edward Island is characterized by higher than average rates of incarceration combined with relatively low median sentence lengths, particularly for offences against the person and for motor vehicle offences. Conversely, Quebec displays relatively low incarceration rates combined with longer than average median lengths.

It should be noted that the following sentencing characteristics represent offences which were the "most serious" in a case:

Sexual Assault (1,582 convictions) - Incarceration rates for sexual assault convictions were fairly constant in Nova Scotia, Quebec, Ontario and Alberta (ranging from 50% to 57%), but were higher (over 80%) in Prince Edward Island and the Yukon. The median sentence length ranged from 45 days in Prince Edward Island to 270 days (9 months) in Quebec (figure 17).

1991 crime rates (per 10,000 population) for this offence were lowest in Quebec (5.3) and highest in Alberta (14.4) and the Yukon (40.9).

Assault (30,469 convictions) - Incarceration rates for assault convictions were much lower than those noted above for sexual assault: 10% in Quebec, 11% in Nova Scotia, 19% in Alberta, 25% in Ontario, 31% in the Yukon, and 51% in Prince Edward Island. The median sentence length was considerably shorter than for sexual assault convictions, although the jurisdictional pattern was much the same: shortest in Prince Edward Island (15 days) and longest in Quebec (60 days), with all other jurisdictions showing a median of 30 days (figure 17).

1991 crime rates (per 10,000 population) for this offence were lowest in Quebec (36.9) and highest in Alberta (74.3) and the Yukon (223.4).

Break & Enter (11,921 convictions) - Sentencing data for break & enter (B&E) convictions should be interpreted very carefully. Cases involving break and enter frequently involve multiple counts. In this analysis, no distinction is made between those cases involving one B&E and those involving 2 or more convictions (see Section 5.3 for comparison of single vs multiple charge cases).

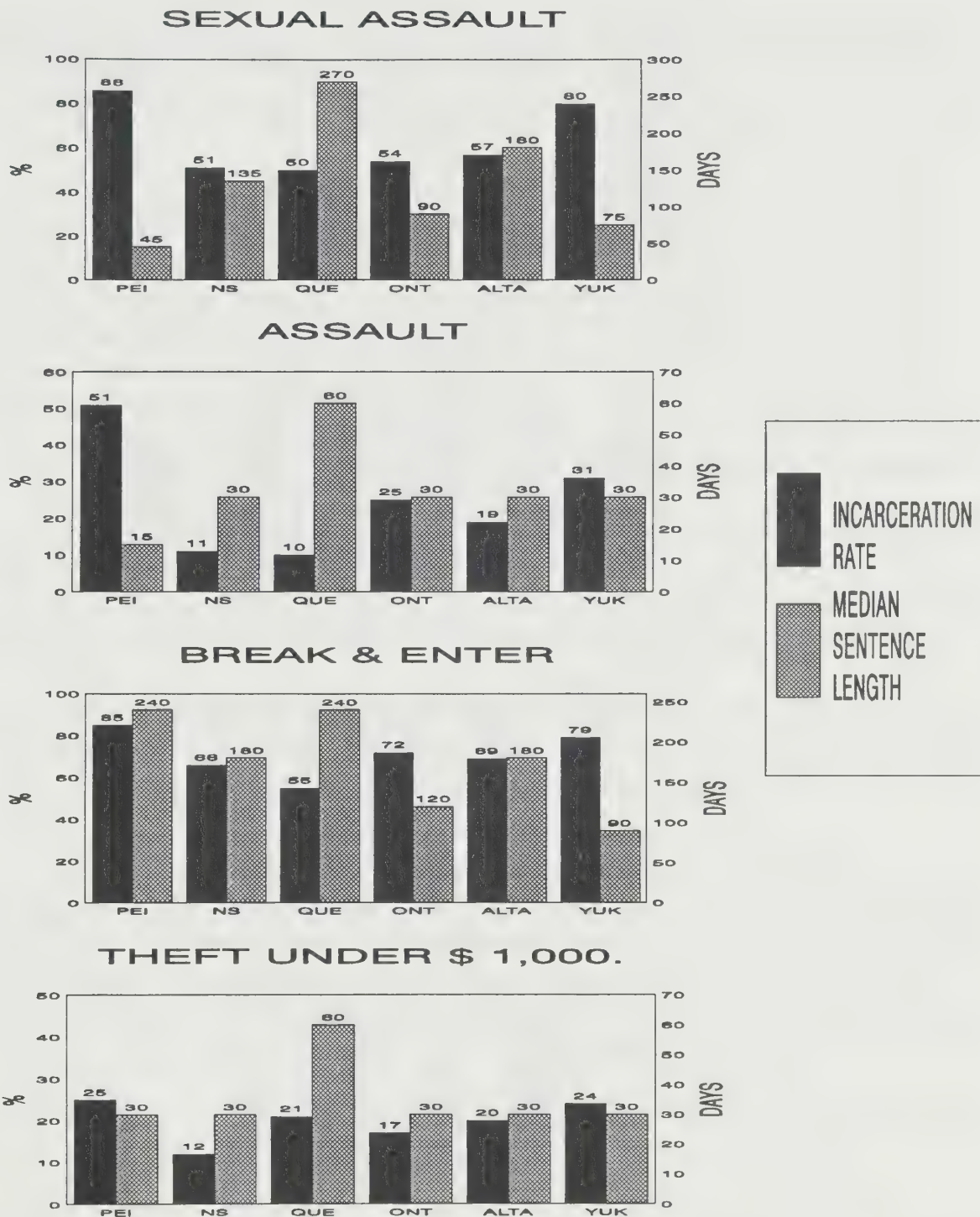
B&E incarceration rates were lowest in Quebec (55%), ranged from 66% to 72% in Nova Scotia, Ontario and Alberta, and were highest in the Yukon (79%) and Prince Edward Island (85%). The median sentence lengths ranged from 90 days in the Yukon to 240 days in Prince Edward Island and Quebec (figure 17).

1991 crime rates (per 10,000 population) for this offence were lowest in Prince Edward Island (108.4) and highest in Quebec (187.6) and the Yukon (188.8).

Theft < \$1,000 (46,287 convictions) - Incarceration rates for minor thefts were fairly consistent among the six jurisdictions and considerably lower than for B&E, ranging from 12% in Nova Scotia to 25% in Prince Edward Island. The median sentence length for



FIGURE 17: A COMPARISON OF SENTENCING PATTERNS AMONG SIX JURISDICTIONS  
ADULT PROVINCIAL COURT, 1991 & 1992



Source: Tables 12A & 13 - Case based.

theft < \$1,000 convictions was 30 days in all jurisdictions except Quebec (60 days) (figure 17). 1991 crime rates (per 10,000 population) for theft < \$1,000 were lowest in Prince Edward Island (222.0) and highest in Alberta (419.1) and the Yukon (505.6).

Impaired Driving (78,259 convictions) - Impaired driving convictions accounted for almost one-quarter (23.6%) of all Criminal Code convictions in adult provincial court. If convictions for refusing to provide a breath/blood sample were included in this category, the percentage would increase to just over 25%.

Figure 18 shows a large amount of variation among jurisdictions in incarceration rates for this offence: 6% in Nova Scotia and Quebec, approximately 20% in Ontario and Alberta, 35% in the Yukon and 97% in Prince Edward Island. In P.E.I., prison sentences were imposed on virtually all offenders convicted of impaired driving in that province, including first time offenders. It should be noted that impaired driving carries a minimum penalty of a \$300 fine for first time offenders, a minimum term of imprisonment of 14 days for second time offenders, and a minimum 90 days imprisonment for subsequent offenders. Unfortunately, data were not available for this study to distinguish first time offenders from repeat offenders.

The median sentence length varied from 4 days in Prince Edward Island to 21 days in Ontario to 30 days in Quebec and Nova Scotia to 45 days in Alberta to 90 days in the Yukon. Although P.E.I. tends to incarcerate virtually all offenders convicted of impaired driving, these offenders tend to be sentenced to a relatively short period of imprisonment.

The number of persons charged with impaired driving expressed as a rate per 10,000 licensed drivers ranged from 4.8 in Ontario and 5.7 in Quebec, to 9.4 in Alberta and 11.6 in the Yukon.<sup>13</sup>

Fail to Comply With Probation Order (14,630 convictions) - In section 6.5 it was noted that in 50% of cases involving a conviction under this offence, there were convictions for other offences as well. For those cases where fail to comply was the only conviction or the most serious conviction, incarceration rates ranged from 38% in Quebec to 65% in Prince Edward Island. Median sentence lengths for this offence were very consistent among the jurisdictions, ranging from 21 to 30 days (figure 18).

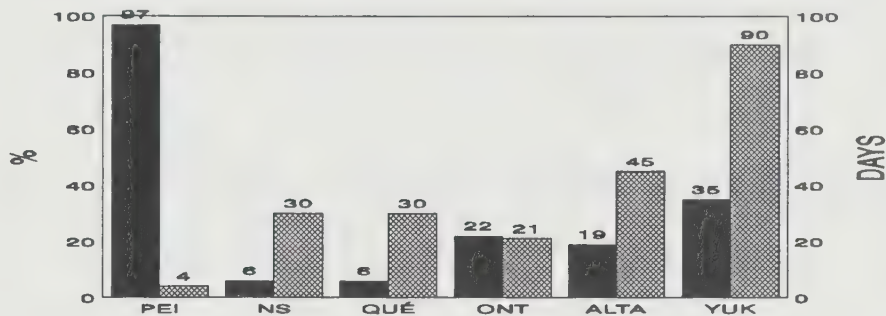
Crime statistics were not available for this particular offence.

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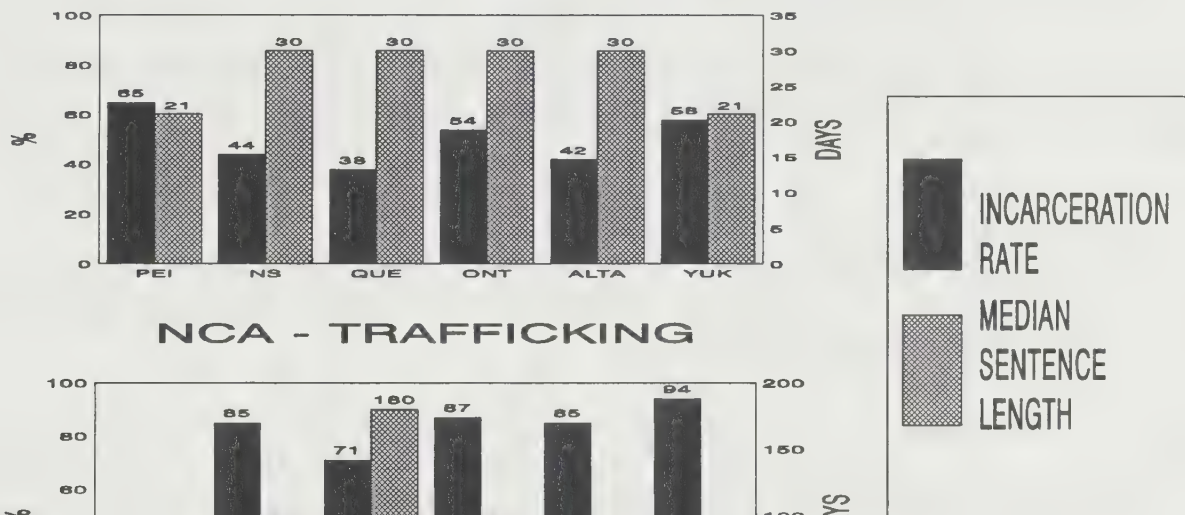
<sup>13</sup> Impaired Driving - Canada, 1991, Juristat Service Bulletin Vol. 12 No. 17, Canadian Centre for Justice Statistics, Statistics Canada, pp.8,9.

FIGURE 18: A COMPARISON OF SENTENCING PATTERNS AMONG SIX JURISDICTIONS  
ADULT PROVINCIAL COURT, 1991 & 1992

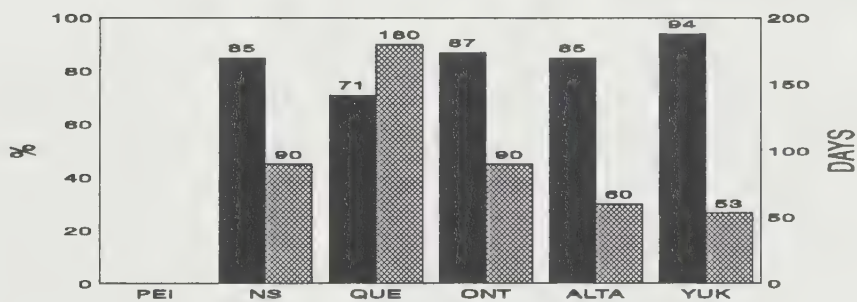
IMPAIRED DRIVING/ OVER .08



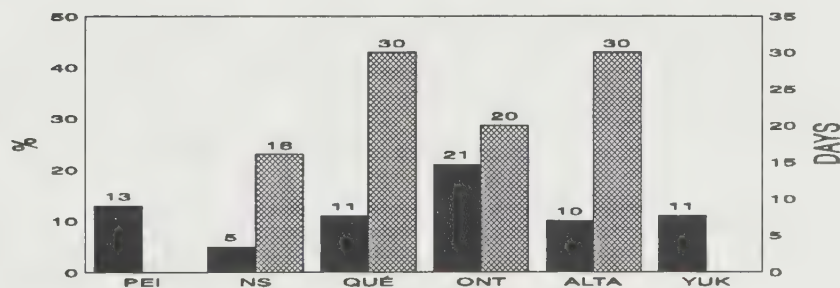
FAIL TO COMPLY WITH PROBATION ORDER



NCA - TRAFFICKING



NCA - POSSESSION



Source: Tables 12A & 13 - Case based.



Narcotic Control Act - trafficking (4,641 convictions) - This offence showed a consistently high rate of incarceration among the jurisdictions, from 71% in Quebec to 94% in the Yukon. The median sentence length for this offence ranged from 53 days in the Yukon to 180 days in Quebec (figure 18).

1991 crime rates (per 10,000 population) for this offence were lowest in Prince Edward Island (5.5) and highest in Ontario (8.7) and the Yukon (27.1).

Narcotic Control Act - possession (16,198 convictions) - Incarceration rates in each jurisdiction were much lower for possession convictions than for trafficking convictions, varying from 5% in Nova Scotia to 21% in Ontario. For the four jurisdictions with sufficient volume for analysis (excluding P.E.I. and the Yukon), the median sentence length imposed in provincial court ranged from 15 days in Nova Scotia to 30 days in Quebec and Alberta (figure 18).

1991 crime rates (per 10,000 population) for this offence were lowest in Prince Edward Island (5.8) and highest in Alberta (12.0) and the Yukon (46.5).

**Fine Amounts** - Table 14 shows the median fine amount imposed in each of the six jurisdictions for all 65 offences. While this is available to the reader for reference, no analysis will be done with these data.

Conclusion - The graphics and related analysis presented above reveal a considerable amount of sentencing variation among the jurisdictions. The amount of this variation differs from offence to offence. Jurisdictions which tend to have higher than average incarceration rates tend to have lower than average median sentence lengths, and vice versa. Many factors have to be taken into consideration before concluding that this variation is unwarranted, such as jurisdictional policies and procedures, differing community values, rural/urban mix of population, local crime rates, conviction rates, use of intermediate sanctions, etc.

## 12.4 Variation Among Major Cities

The previous section compared sentencing data for five provinces and one territory. These six jurisdictions encompass differing rural/urban mixes of population. In an effort to enhance comparability, this section concentrates on six large urban centres: Edmonton, Calgary, Toronto, Ottawa, Montreal and Quebec City. Once again, it should be noted that the municipal courts in Montreal and Quebec City are not included. It should also be noted that Toronto includes all three provincial courts in Toronto, and one each in Scarborough, Downsview and Etobicoke. As was the case in the section above, the analysis will concentrate on incarceration rates and median sentence lengths (tables 15 and 16). Crime rates from the Uniform Crime Reporting (UCR) survey of CCJS have been included for additional contextual purposes. However, it should be pointed out that police and court boundaries do not necessarily correspond.

Sexual Assault - The highest incarceration rates were found in Edmonton (63%) and Calgary (53%) and the lowest in Quebec City (33%) and Montreal (39%). The longest sentence lengths were in Edmonton (a median sentence length of 318 days) and Montreal (270 days or 9 months), and the shortest in Toronto (60 days). There was not a sufficient number of cases resulting in imprisonment in Quebec City for calculation of the median sentence length (figure 19).

1991 crime rates (per 10,000 population) for this offence were lowest in Montreal (7.0) and Quebec City (7.4), and highest in Edmonton (17.9).

Assault - The highest incarceration rate was found in Toronto at 29%, the lowest in Quebec City at 7%. The median sentence length for assault convictions in four of the six cities was 30 days, the others being 21 days in Toronto and 90 days in Quebec City (figure 19).

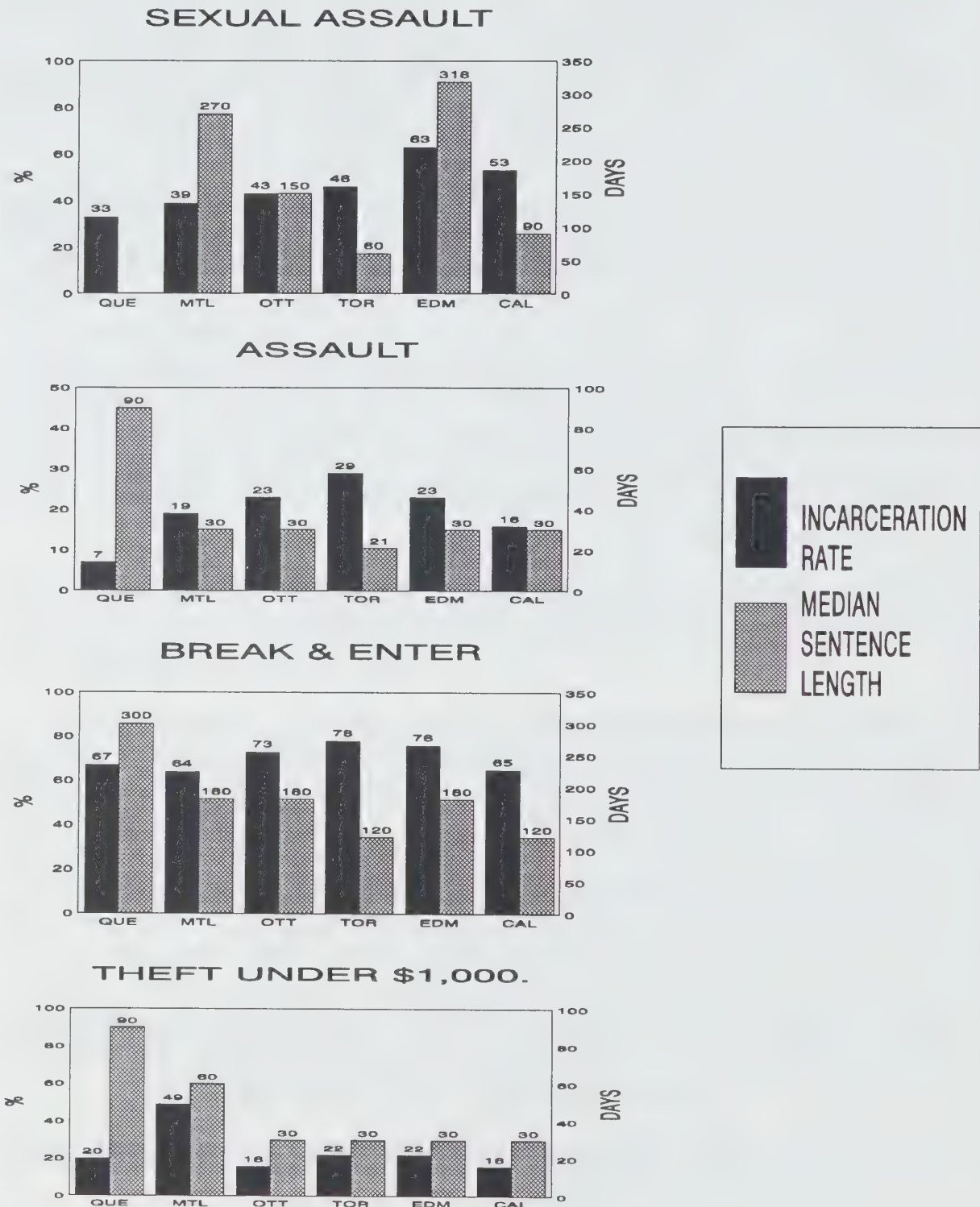
1991 crime rates (per 10,000 population) for this offence were lowest in Quebec City (45.8) and Calgary (55.0), and highest in Ottawa (99.1).

Break & Enter - Incarceration rates were quite consistent among the six cities, ranging from 64% in Montreal to 78% in Toronto. The median sentence length ranged between four and six months, except for Quebec City (10 months) (figure 19).

1991 crime rates (per 10,000 population) for this offence were lowest in Toronto (124.8) and highest in Quebec City (291.6).

Theft < \$1,000 - Five of the six cities showed an incarceration rate of around 20% for minor thefts; the remaining city (Montreal) showed a rate of nearly 50%. In terms of

**FIGURE 19: COMPARISON OF SENTENCING PATTERNS AMONG SIX LARGE CITIES, ADULT PROVINCIAL COURT, 1991 & 1992**



Source: Tables 15A and 16: Case based.



median sentence lengths, the pattern illustrated by the previous offences continued for this offence: four of the six cities showed a median sentence length of close to 30 days, while Montreal was 60 days and Quebec City was 90 days. A possible explanation for this pattern could be the existence in Quebec of the municipal courts, which tend to hear less serious cases. This could result in their provincial courts hearing proportionally more serious cases, resulting in longer median sentences (figure 19).

1991 crime rates (per 10,000 population) for this offence were lowest in Montreal (359.6) and Toronto (363.5) and highest in Edmonton (587.3) and Ottawa (536.8).

Impaired Driving - Incarceration rates for impaired driving ranged from 5% in Montreal and 6% in Quebec City to 22% in Ottawa and 23% in Edmonton. With the exception of Edmonton (90 days), the median sentence length for this offence was close to 30 days in prison (figure 20).

Fail to comply With Probation Order - The incarceration rate for this offence ranged from 35% in Edmonton to 61% in Toronto. The median sentence length ranged from 2 weeks in Calgary and Montreal to 2 months in Quebec City (figure 20).

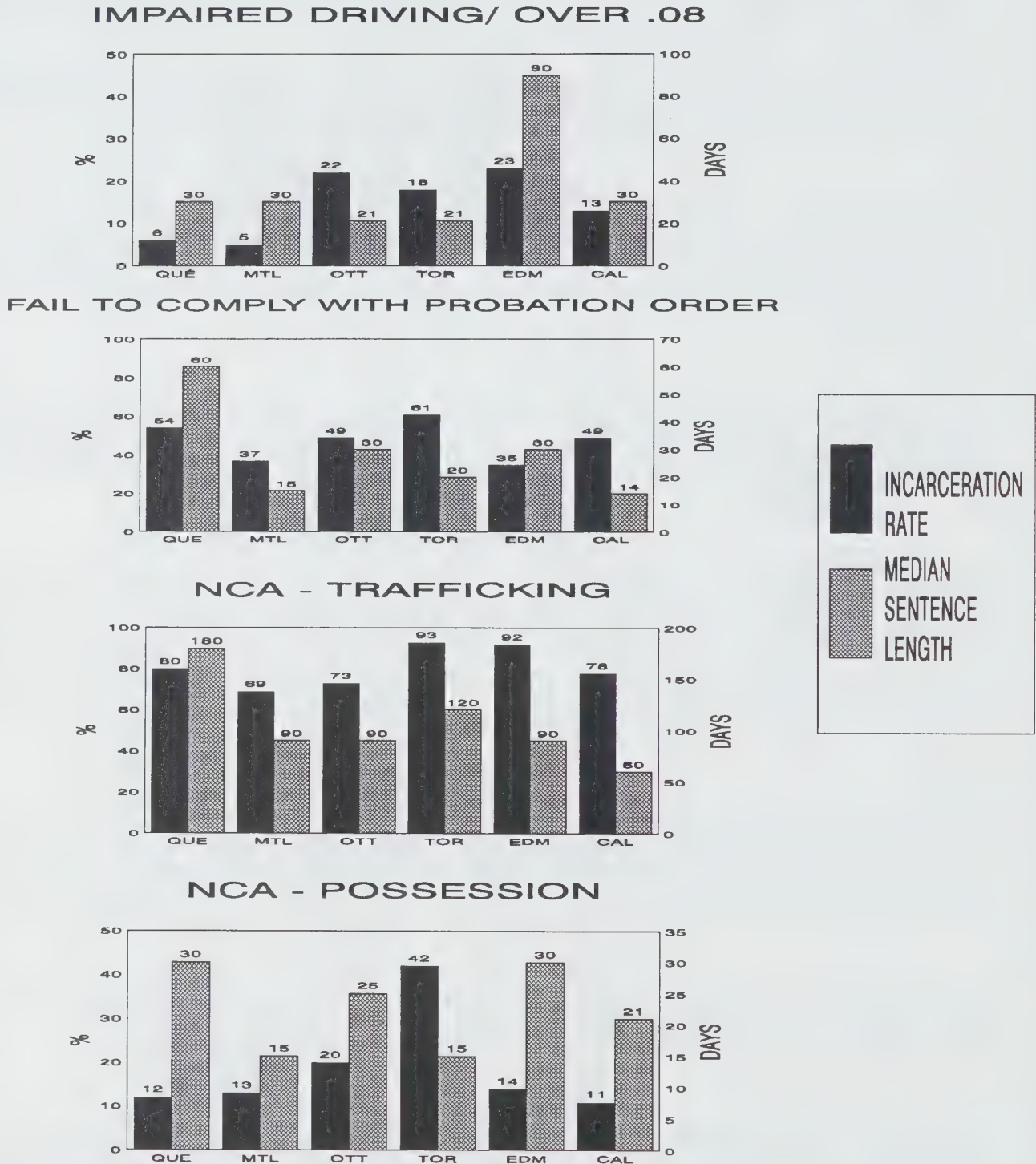
Narcotic Control Act - trafficking - Edmonton and Toronto showed the highest incarceration rates for trafficking at over 90%, and Montreal the lowest at 69%. Quebec City displayed the longest median sentence length (6 months), with Calgary showing the shortest at 2 months (figure 20). 1991 crime rates (per 10,000 population) for this offence were lowest in Edmonton (2.9) and Ottawa (3.1), and highest in Toronto (23.7).

Narcotic Control Act - possession - Toronto's incarceration rate for possession (42%) was more than double that for any other major city. Median sentence lengths for this offence ranged from 15 to 30 days (figure 20). 1991 crime rates (per 10,000 population) for this offence were lowest in Calgary (6.5) and Ottawa (6.1), and highest in Toronto (20.3).

**Fine Amounts** - Table 17 shows the median fine amount imposed in each of the six cities. However, no analysis will be done with these data in this report.

Conclusion - The variation found among major cities was not that different than the variation discovered when comparing the provinces/territories. Similar to the discussion in the conclusion to that section, many factors have to be taken into consideration before attributing this variation among major cities to be unwarranted: local policies and procedures, local crime rates, conviction rates, use of intermediate sanctions, and so forth.

**FIGURE 20: COMPARISON OF SENTENCING PATTERNS AMONG SIX LARGE CITIES, ADULT PROVINCIAL COURT, 1991 & 1992**



Source: Tables 15A & 16: Case based.

### CHAPTER 13. EXAMINATION OF HYBRID OFFENCES

All Criminal Code, federal statute, provincial statute and municipal by-law offences in Canada can be classified as either summary, indictable or "hybrid" (dual procedure) offences. Summary offences are generally less serious offences, and carry a maximum sentence length of six months in prison, and a maximum fine amount of \$2,000. Indictable offences represent more serious offences and carry higher maximum penalties, ranging from two years to life imprisonment, and in some cases minimum sentences and/or deferred eligibility for parole.

The majority of Criminal Code offences are hybrid offences, meaning that they can be prosecuted either summarily or by indictment. Some of the factors affecting the Crown's decision as to how to proceed in a hybrid offence include the seriousness of the harm done by the offence, the previous criminal history of the accused, as well as the financial loss to the victim or gain to the accused.

One sentencing issue identified in the introduction to this report was whether hybrid offences proceeded with by indictment receive more serious sentences than hybrid offences proceeded with summarily. It is commonly assumed that sentences for indictable convictions would be more severe, as they carry stiffer maximum penalties than summary convictions. Even if this were shown to be the case, the magnitude of this difference is currently not known. This analysis also has implications for the related issue of whether or not the concept of hybrid offences should exist in the Criminal Code at all, where the Crown is given the exclusive right to decide procedure.

Twenty Criminal Code offences selected for analysis in the tables are hybrid offences, and have been designated as such with an asterisk (\*). These 20 offences accounted for 58.6% of total Criminal Code charges resulting in conviction (excluding the "other" categories) on the database. In other words, **hybrid offences represent approximately 60% of Criminal Code convictions in adult provincial court.**

In addressing this issue, data were available from the four jurisdictions currently providing data to ACCS: Quebec, Nova Scotia, Prince Edward Island and the Yukon. It should be noted that Quebec data accounted for 88% of total hybrid offences in these four jurisdictions. However, the data for each jurisdiction reveal the same patterns as described below for all four combined.

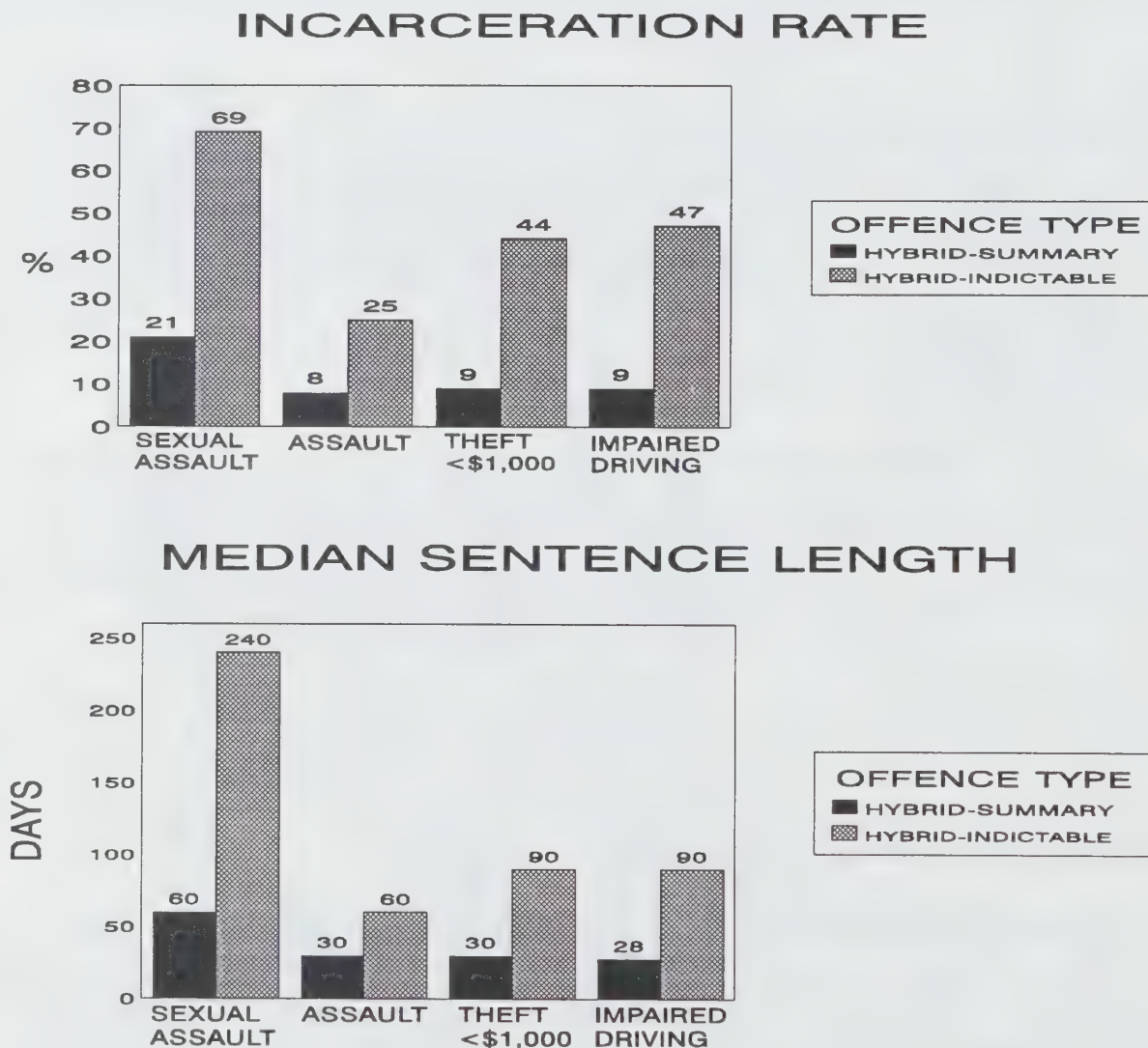
**When all 20 hybrid offences are combined for these four jurisdictions, three-quarters of these offences were proceeded with summarily and one-quarter by indictment (excluding "unknowns").** However, some hybrid offences did not follow this pattern: sexual assault (74% proceeded by indictment), fraud under \$1,000 (69% by indictment), possession of stolen goods under \$1,000 (60% by indictment), and sexual touching of child under 14 years of age (54% by indictment).



On average, the incarceration rate for hybrid-indictable offences was approximately twice as high as for hybrid-summary offences. This finding was consistent for virtually all 20 offences in each of the four jurisdictions (table 18). Figure 21 illustrates this finding for four hybrid offences. Similarly, the median sentence length was generally two to three times longer for hybrid-indictable convictions than for hybrid-summary.

The data, therefore, confirm that hybrid offences which proceed by indictment generally receive more severe sentences than those proceeded with summarily.

FIGURE 21: COMPARISON OF SENTENCES IMPOSED ON HYBRID-SUMMARY AND HYBRID-INDICTABLE OFFENCES, ADULT PROVINCIAL COURT, FOUR JURISDICTIONS(1), 1991 & 1992



(1) Includes P.E.I., Nova Scotia, Quebec and Yukon.  
Source: Table 18 - Case based.

## **CHAPTER 14. CONCLUSION**

As stated in the Introduction, there currently "is no method for anyone to know ... what kinds of sentences are being handed down, ... and that the lack of timely aggregate sentencing statistics presents problems for the operation of the criminal justice system". Many reports have recommended that sentencing data be collected to address issues related to sentencing variation and the need to provide the public with information in the area of sentencing. Information to support current and future discussion of sentencing practices and alternatives remains a priority issue for the justice community.

This report represents the largest volume of sentencing data available in Canada for analysis. The study has addressed some of the major issues facing sentencing today:

- lack of basic sentencing information including the types of sanctions being imposed and the quantum of these sanctions;
- sentencing variation;
- the perceived over-reliance on custody: reforms calling for increased use of "intermediate sanctions"; and,
- maximum penalties set out in the Criminal Code currently provide little guidance as to what sentence might be expected.

In terms of coverage, there were some limitations: no information from superior courts or Quebec municipal courts; provincial court data not available for all jurisdictions; and, under-coverage of provincial court cases in participating jurisdictions. Hopefully, these limitations will be overcome in future years to produce more comprehensive and comparable sentencing data.

Data for four of the six participating jurisdictions in this study (P.E.I., N.S., Que., Yukon) originated from the Adult Criminal Court Survey (ACCS) of the Canadian Centre for Justice Statistics. The data collection method for this survey involves accessing centralized automated criminal court databases in each province or territory and developing automated interfaces between the jurisdictional system and the ACCS system. As the level of automation increases in the remaining jurisdictions, the capability of these jurisdictions to participate in this survey will also increase.

Sentencing data for Ontario and Alberta were extracted directly from their court systems and "converted" to the specifications of the Sentencing Database. Until such time that these and other jurisdictions can provide data to the ACCS survey, this strategy may serve as an appropriate "interim" approach for the collection of sentencing data.

In conclusion, this report represents a beginning in terms of the availability and analysis of sentencing statistics in Canada.





## **APPENDICES**

**APPENDIX "A" - Tables**

**APPENDIX "B" - List of Criminal Code Sections and Maximum  
Penalties For the 65 Selected Offences**

**APPENDIX "C" - Methodology**

**APPENDIX "D" - Sentencing Defined**

**APPENDIX "E" - Experience With Sentencing Guidelines in the  
United States**



## **APPENDIX "A" - TABLES**

|           |  |
|-----------|--|
| Table "A" | Explanation of Symbols Used in Tables and Standard Footnotes For Tables          |
| Table 1   | Single and Multiple Charge Convictions by Jurisdiction                           |
| Table 2   | Gender of Persons Convicted  |
| Table 3   | Age of Persons Convicted   |
| Table 4   | Most Serious Sanction Imposed  |
| Table 5   | Frequency of All Sanctions Imposed   |
| Table 6   | Ranking of Offences According to Median Sentence Length                          |
| Table 7   | Comparison of Sentencing Patterns For Single and Multiple Charge Cases           |
| Table 8   | Average Incarceral Sentence Lengths Imposed                                      |
| Table 9   | Detailed Incarceral Sentence Lengths Imposed                                     |
| Table 10  | Fine Amounts Imposed   |
| Table 11  | Compensation / Restitution Amounts Imposed                                       |
| Table 12A | Comparison of Incarceration Rates In Six Jurisdictions                           |
| Table 12B | Number of Cases by Offence Group by Jurisdiction                                 |
| Table 13  | Comparison of Median Sentence Lengths in Six Jurisdictions                       |
| Table 14  | Comparison of Median Fine Amounts in Six Jurisdictions                           |
| Table 15A | Comparison of Incarceration Rates In Six Large Cities                            |
| Table 15B | Number of Cases by Offence Group by Major City                                   |
| Table 16  | Comparison of Median Sentence Lengths in Six Large Cities                        |
| Table 17  | Comparison of Median Fine Amounts in Six Large Cities                            |
| Table 18  | Comparison of Sentences Imposed on Hybrid-summary and Hybrid-indictable Offences |



## TABLE "A"

### EXPLANATION OF SYMBOLS USED IN TABLES

- .. not enough cases to perform calculations (generally if < 10 cases)
- ... not applicable
- nil or zero
- for percentage calculations: result greater than zero, but less than 0.5%

### STANDARD FOOTNOTES FOR TABLES

- Data include all Criminal Code and other federal statute charges resulting in conviction in adult provincial/territorial courts. Absolute and conditional discharge sentences are included as sanctions, although they are "legally" not considered to be convictions. Provincial statute and municipal by-law charges are not included.
- Data represent the following six jurisdictions unless otherwise stated:
  - Prince Edward Island: Jan. 1 1991 to June 30 1992
  - Nova Scotia: Jan. 1 1991 to June 30 1992
  - Quebec: Jan. 1 1991 to June 30 1992
  - Ontario: June 1 1991 to Aug. 31 1992
  - Alberta: Jan. 1 1991 to Oct. 26 1992
  - Yukon: Jan. 1 1991 to June 30 1992
- Data for Nova Scotia do not include Halifax City Court.
- Data for Quebec do not include municipal courts.
- Not all court locations reported for the entire reference period in Ontario (see Methodology Section for more detail).
- Unless otherwise stated, the unit of analysis is the case. A "case" is defined as all charges resulting in conviction for one accused with the same sentence date in the same court. Each case is represented by its "most serious offence (MSO)". The MSO is defined as the offence receiving the most serious sentence in that case.
- The group of sanctions called "forfeit./prohib./CSO" includes all court orders of forfeiture/confiscation (eg. weapons, explosives, narcotics), disability/prohibition orders (eg. possessing firearms, operating motor vehicle), community service orders, and peace bonds.

TABLE 1. SINGLE AND MULTIPLE CHARGE CONVICTIONS IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 AND 1992 (1)

| Province/<br>Territory | Charges<br>Resulting<br>In<br>Conviction<br># | Cases Resulting In At Least 1 Conviction |  |    |  |    |                                       |   |  |   |
|------------------------|---|--|--|----|--|----|---------------------------------------|---|--|---|
|                        |   | Total<br>#                               | Single<br>Charge/Count<br>Convictions<br># | %  | Multiple<br>Charge<br>Convictions<br># | %  | Multiple<br>Count<br>Convictions<br># | % | Multiple Count<br>And Charge<br>Convictions<br># | % |
| P.E.I.                 | 3,315   | 2,441                                    | 2,054                                      | 84 | 221                                    | 9  | 92                                    | 4 | 74   | 3 |
| Nova Scotia            | 25,771  | 17,764                                   | 14,260                                     | 80 | 1,719                                  | 10 | 1,112                                 | 6 | 673  | 4 |
| Quebec                 | 198,036                                       | 100,112                                  | 69,127                                     | 69 | 15,188                                 | 15 | 8,103                                 | 8 | 7,694  | 8 |
| Ontario                | 246,678                                       | 178,727                                  | 145,223                                    | 81 | 20,294                                 | 11 | 7,526                                 | 4 | 5,684  | 3 |
| Alberta                | 141,527                                       | 98,023                                   | 76,076                                     | 78 | 13,715                                 | 14 | 3,990                                 | 4 | 4,242  | 4 |
| Yukon                  | 2,523   | 1,697                                    | 1,237                                      | 73 | 278                                    | 16 | 84                                    | 5 | 98   | 6 |
| TOTAL                  | 617,850                                       | 398,764                                  | 307,977                                    | 77 | 51,415                                 | 13 | 20,907                                | 5 | 18,465   | 5 |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 2. GENDER OF PERSONS CONVICTED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting in<br>Conviction | Gender of Offender |        |                  |         |
|---------------------------------------|-------------------------------------|--------------------|--------|------------------|---------|
|                                       |                                     | Male               | Female | Corpor-<br>ation | Unknown |
|                                       | #                                   | %                  | %      | %                | %       |
| <b>CRIMINAL CODE OFFENCES</b>         |                                     |                    |        |                  |         |
| <b>OFFENCES AGAINST THE PERSON</b>    |                                     |                    |        |                  |         |
| 1 Manslaughter                        | 73                                  | 90                 | 7      | —                | 3       |
| 2 Robbery                             | 2,181                               | 91                 | 6      | —                | 3       |
| 3 Sexual assault—weapon/bodily harm   | 94                                  | 96                 | 3      | —                | 1       |
| 4* Sexual assault                     | 1,582                               | 97                 | 1      | 1                | 2       |
| 5 Aggravated assault                  | 460                                 | 87                 | 12     | 1                | 1       |
| 6 Assault with weapon/bodily harm     | 5,787                               | 88                 | 9      | 1                | 2       |
| 7* Assault                            | 30,469                              | 88                 | 9      | —                | 3       |
| 8* Assaulting peace officer           | 2,390                               | 83                 | 14     | 1                | 2       |
| 9 Forcible confinement                | 94                                  | 93                 | 5      | —                | 2       |
| 10* Sexual touching of child under 14 | 731                                 | 96                 | 1      | 1                | 3       |
| 11 Uttering threats of bodily harm    | 3,668                               | 91                 | 5      | —                | 4       |
| 12 Harassing/indecent phone calls     | 967                                 | 68                 | 22     | —                | 10      |
| 13 Other offences against person      | 1,544                               | 86                 | 11     | 1                | 3       |
| <b>FIREARMS, OTHER WEAPONS</b>        |                                     |                    |        |                  |         |
| 14 Use of firearm during offence      | 52                                  | 88                 | 4      | —                | 8       |
| 15 Careless/dangerous use of firearm  | 2,130                               | 92                 | 6      | —                | 1       |
| 16* Possession firearms/other weapons | 2,022                               | 91                 | 5      | —                | 4       |
| 17 Other weapon/explosive offences    | 489                                 | 95                 | 3      | 1                | 1       |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |                                     |                    |        |                  |         |
| 18 Break and enter                    | 11,921                              | 94                 | 3      | —                | 3       |
| 19 Possession of break—in instrument  | 355                                 | 97                 | 1      | —                | 1       |
| 20 Possession stolen goods > \$1,000  | 3,120                               | 93                 | 5      | —                | 3       |
| 21* Possession stolen goods < \$1,000 | 4,705                               | 83                 | 13     | —                | 4       |
| 22 Possession stolen goods — other    | 3,736                               | 90                 | 8      | —                | 2       |
| 23 Theft over \$1,000                 | 4,317                               | 85                 | 11     | —                | 4       |
| 24* Theft under \$1,000               | 46,287                              | 62                 | 31     | —                | 6       |
| 25 Theft — amount unspecified         | 4,078                               | 65                 | 26     | —                | 9       |
| 26* Theft/forgery of credit card      | 2,386                               | 76                 | 21     | —                | 3       |
| 27 Forgery                            | 2,706                               | 71                 | 26     | —                | 3       |
| 28 Personation with intent            | 1,222                               | 84                 | 10     | —                | 6       |
| 29 Fraud over \$1,000                 | 2,202                               | 63                 | 33     | 1                | 3       |
| 30* Fraud under \$1,000               | 5,635                               | 61                 | 28     | —                | 10      |
| 31 Fraud — amount unspecified         | 1,538                               | 73                 | 24     | 1                | 2       |
| 32 False pretences                    | 3,743                               | 67                 | 31     | —                | 2       |
| 33* Mischief — prop. damage > \$1,000 | 1,724                               | 92                 | 8      | —                | —       |
| 34* Mischief — prop. damage < \$1,000 | 12,837                              | 88                 | 8      | —                | 4       |
| 35 Other property, fraud offences     | 2,533                               | 84                 | 11     | 1                | 4       |

\* Represents "hybrid" offence



**TABLE 2. GENDER OF PERSONS CONVICTED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                       | Cases<br>Resulting in<br>Conviction | Gender of Offender |           |                  |          |
|--|-------------------------------------|--------------------|-----------|------------------|----------|
|  |                                     | Male               | Female    | Corpor-<br>ation | Unknown  |
|  | #                                   | %                  | %         | %                | %        |
| <b>MOTOR VEHICLE OFFENCES</b>              |                                     |                    |           |                  |          |
| 36 Impaired driving – bodily harm          | 392                                 | 88                 | 8         | —                | 4        |
| 37* Impaired driving/over .08              | 78,259                              | 86                 | 9         | —                | 5        |
| 38* Refuse provide breath/blood sample     | 5,098                               | 88                 | 10        | —                | 1        |
| 39 Dangerous op. of m.v. –bodily harm      | 147                                 | 89                 | 10        | —                | 1        |
| 40* Dangerous op. of motor vehicle         | 2,502                               | 93                 | 6         | —                | 1        |
| 41* Fail to stop at scene of accident      | 1,602                               | 88                 | 8         | —                | 4        |
| 42* Driving while disqualified             | 6,980                               | 92                 | 6         | —                | 2        |
| 43 Other motor vehicle offences            | 220                                 | 91                 | 7         | —                | 2        |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |                                     |                    |           |                  |          |
| 44 Procuring for prostitution              | 44                                  | 59                 | 18        | —                | 23       |
| 45 Keeping common bawdy –house             | 107                                 | 36                 | 43        | —                | 21       |
| 46 Soliciting / obtaining services         | 5,307                               | 57                 | 43        | —                | 1        |
| 47 Indecent acts/exposure                  | 1,780                               | 82                 | 13        | 1                | 4        |
| 48 Gaming and betting offences             | 718                                 | 67                 | 16        | 8                | 9        |
| 49 Other morals offences                   | 580                                 | 54                 | 33        | 3                | 10       |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |                                     |                    |           |                  |          |
| 50 Obstructing justice                     | 388                                 | 78                 | 21        | —                | 1        |
| 51* Providing false info. to peace officer | 1,898                               | 72                 | 23        | —                | 4        |
| 52* Obstructing peace officer              | 5,111                               | 84                 | 13        | —                | 2        |
| 53* Escape custody                         | 960                                 | 90                 | 9         | —                | 1        |
| 54* Unlawfully at large                    | 3,905                               | 87                 | 8         | —                | 5        |
| 55 Fail to appear in court                 | 20,663                              | 85                 | 12        | —                | 3        |
| 56 Fail to comply with probation order     | 14,630                              | 80                 | 9         | —                | 11       |
| 57 Breach of recognizance                  | 673                                 | 81                 | 14        | —                | 5        |
| 58 Other offences against admin. of law    | 1,345                               | 85                 | 13        | 1                | 1        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |                                     |                    |           |                  |          |
| 59 Causing disturbance, trespassing        | 5,241                               | 88                 | 10        | —                | 2        |
| 60 All other Criminal Code offences        | 3,484                               | 84                 | 10        | 1                | 6        |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>331,812</b>                      | <b>81</b>          | <b>14</b> | <b>—</b>         | <b>4</b> |
| <b>OTHER FEDERAL STATUTES</b>              |                                     |                    |           |                  |          |
| 61 Narcotic Control Act(NCA) –traffick     | 4,641                               | 86                 | 10        | 1                | 3        |
| 62* NCA – possession                       | 16,198                              | 87                 | 10        | —                | 3        |
| 63 Other NCA offences                      | 798                                 | 76                 | 20        | —                | 4        |
| 64 Food and Drugs Act                      | 573                                 | 84                 | 9         | 4                | 3        |
| 65 Other federal statutes                  | 44,742                              | 69                 | 15        | 6                | 11       |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>66,952</b>                       | <b>75</b>          | <b>13</b> | <b>4</b>         | <b>8</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>398,764</b>                      | <b>80</b>          | <b>14</b> | <b>1</b>         | <b>5</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 3. AGE OF PERSONS CONVICTED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting In<br>Conviction | Age At Time of Sentencing (2) |           |           |           |           |           |           |     |
|---------------------------------------|-------------------------------------|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----|
|                                       |                                     | 18–<br>22                     | 23–<br>27 | 28–<br>32 | 33–<br>37 | 38–<br>42 | 43–<br>47 | 48–<br>52 | 53+ |
|                                       | #                                   | %                             | %         | %         | %         | %         | %         | %         | %   |
| <b>CRIMINAL CODE OFFENCES</b>         |                                     |                               |           |           |           |           |           |           |     |
| <b>OFFENCES AGAINST THE PERSON</b>    |                                     |                               |           |           |           |           |           |           |     |
| 1 Manslaughter                        | 73                                  | 21                            | 10        | 17        | 20        | 10        | 4         | 4         | 14  |
| 2 Robbery                             | 2,181                               | 33                            | 26        | 20        | 12        | 5         | 2         | 1         | 1   |
| 3 Sex assault—weapon/bodily harm      | 94                                  | 17                            | 26        | 27        | 19        | 6         | 3         | 1         | 1   |
| 4* Sexual assault                     | 1,582                               | 10                            | 15        | 16        | 16        | 13        | 9         | 6         | 15  |
| 5 Aggravated assault                  | 460                                 | 26                            | 23        | 17        | 14        | 8         | 5         | 3         | 4   |
| 6 Assault with weapon/bodily harm     | 5,787                               | 22                            | 22        | 20        | 14        | 9         | 5         | 3         | 4   |
| 7* Assault                            | 30,469                              | 16                            | 20        | 21        | 16        | 11        | 7         | 4         | 5   |
| 8* Assaulting peace officer           | 2,390                               | 21                            | 27        | 22        | 14        | 7         | 5         | 2         | 3   |
| 9 Forcible confinement                | 94                                  | 21                            | 26        | 18        | 11        | 12        | 10        | 1         | 2   |
| 10* Sexual touching of child under 14 | 731                                 | 10                            | 11        | 14        | 15        | 15        | 12        | 6         | 16  |
| 11 Uttering threats of bodily harm    | 3,668                               | 13                            | 18        | 19        | 18        | 12        | 9         | 5         | 6   |
| 12 Harassing/indecent phone calls     | 967                                 | 15                            | 17        | 20        | 15        | 13        | 8         | 5         | 8   |
| 13 Other offences against person      | 1,544                               | 10                            | 18        | 21        | 18        | 13        | 7         | 6         | 8   |
| <b>FIREARMS, OTHER WEAPONS</b>        |                                     |                               |           |           |           |           |           |           |     |
| 14 Use of firearm during offence      | 52                                  | 39                            | 26        | 7         | 11        | 4         | 7         | —         | 7   |
| 15 Careless/dangerous use firearm     | 2,130                               | 24                            | 18        | 17        | 14        | 9         | 6         | 5         | 6   |
| 16* Possession firearms/oth weapons   | 2,022                               | 28                            | 20        | 16        | 11        | 8         | 6         | 5         | 6   |
| 17 Other weapon/explosive offences    | 489                                 | 16                            | 19        | 17        | 15        | 12        | 8         | 5         | 8   |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |                                     |                               |           |           |           |           |           |           |     |
| 18 Break and enter                    | 11,921                              | 49                            | 23        | 15        | 7         | 3         | 2         | 1         | —   |
| 19 Possession break—in instrument     | 355                                 | 42                            | 26        | 13        | 11        | 3         | 2         | 1         | 1   |
| 20 Possess stolen goods > \$1,000     | 3,120                               | 43                            | 24        | 15        | 9         | 4         | 3         | 1         | 1   |
| 21* Possess stolen goods < \$1,000    | 4,705                               | 40                            | 24        | 16        | 10        | 5         | 3         | 2         | 2   |
| 22 Possess stolen goods — other       | 3,736                               | 45                            | 23        | 14        | 9         | 4         | 3         | 1         | 2   |
| 23 Theft over \$1,000                 | 4,317                               | 42                            | 25        | 14        | 9         | 5         | 2         | 2         | 1   |
| 24* Theft under \$1,000               | 46,287                              | 25                            | 17        | 16        | 13        | 9         | 7         | 4         | 9   |
| 25 Theft — amount unspecified         | 4,078                               | 27                            | 17        | 16        | 13        | 8         | 7         | 5         | 8   |
| 26* Theft/forgery of credit card      | 2,386                               | 40                            | 25        | 17        | 9         | 5         | 2         | 1         | 1   |
| 27 Forgery                            | 2,706                               | 22                            | 23        | 22        | 15        | 9         | 5         | 2         | 2   |
| 28 Personation with intent            | 1,222                               | 23                            | 30        | 22        | 14        | 6         | 3         | 2         | 1   |
| 29 Fraud over \$1,000                 | 2,202                               | 13                            | 20        | 21        | 17        | 11        | 9         | 6         | 4   |
| 30* Fraud under \$1,000               | 5,635                               | 19                            | 24        | 20        | 15        | 10        | 6         | 3         | 3   |
| 31 Fraud — amount unspecified         | 1,538                               | 20                            | 22        | 22        | 16        | 7         | 6         | 3         | 4   |
| 32 False pretences                    | 3,743                               | 16                            | 24        | 21        | 16        | 9         | 6         | 4         | 4   |
| 33* Mischief—prop. damage >\$1,000    | 1,724                               | 33                            | 22        | 22        | 10        | 5         | 4         | 2         | 2   |
| 34* Mischief—prop. damage <\$1,000    | 12,837                              | 33                            | 24        | 18        | 11        | 6         | 4         | 2         | 2   |
| 35 Other property, fraud offences     | 2,533                               | 32                            | 21        | 16        | 11        | 7         | 5         | 3         | 4   |

\* Represents "hybrid" offence

**TABLE 3. AGE OF PERSONS CONVICTED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting In<br>Conviction | Age At Time of Sentencing (2) |           |           |           |           |           |           |          |
|---------------------------------------|-------------------------------------|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|----------|
|                                       |                                     | 18–<br>22                     | 23–<br>27 | 28–<br>32 | 33–<br>37 | 38–<br>42 | 43–<br>47 | 48–<br>52 | 53+      |
|                                       | #                                   | %                             | %         | %         | %         | %         | %         | %         | %        |
| <b>MOTOR VEHICLE OFFENCES</b>         |                                     |                               |           |           |           |           |           |           |          |
| 36 Impaired driving – bodily harm     | 392                                 | 16                            | 20        | 22        | 17        | 7         | 8         | 3         | 6        |
| 37* Impaired driving/over .08         | 78,259                              | 12                            | 18        | 20        | 16        | 12        | 8         | 5         | 8        |
| 38* Refuse to provide breath sample   | 5,098                               | 6                             | 15        | 22        | 18        | 15        | 9         | 6         | 8        |
| 39 Dangerous op. m.v. –bodily harm    | 147                                 | 35                            | 27        | 15        | 14        | 5         | 1         | 2         | 1        |
| 40* Dangerous op. of motor vehicle    | 2,502                               | 30                            | 25        | 17        | 11        | 7         | 5         | 2         | 4        |
| 41* Fail to stop at scene of accident | 1,602                               | 17                            | 23        | 20        | 15        | 8         | 6         | 4         | 6        |
| 42* Driving while disqualified        | 6,980                               | 12                            | 23        | 24        | 17        | 9         | 7         | 4         | 4        |
| 43 Other motor vehicle offences       | 220                                 | 19                            | 21        | 22        | 16        | 8         | 6         | 5         | 4        |
| <b>PROSTITUTION / MORAL OFFENCES</b>  |                                     |                               |           |           |           |           |           |           |          |
| 44 Procuring for prostitution         | 44                                  | 20                            | 17        | 13        | 17        | 13        | 17        | 3         | –        |
| 45 Keeping common bawdy –house        | 107                                 | 8                             | 18        | 24        | 22        | 9         | 10        | 5         | 5        |
| 46 Soliciting / obtaining services    | 5,307                               | 18                            | 24        | 23        | 15        | 8         | 5         | 3         | 4        |
| 47 Indecent acts/exposure             | 1,780                               | 12                            | 21        | 22        | 16        | 10        | 8         | 4         | 7        |
| 48 Gaming and betting offences        | 718                                 | 4                             | 9         | 13        | 14        | 15        | 17        | 11        | 18       |
| 49 Other morals offences              | 580                                 | 14                            | 21        | 21        | 15        | 8         | 11        | 5         | 5        |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b> |                                     |                               |           |           |           |           |           |           |          |
| 50 Obstructing justice                | 388                                 | 26                            | 29        | 23        | 10        | 8         | 3         | 2         | 1        |
| 51* Providing false info. to officer  | 1,898                               | 30                            | 26        | 19        | 11        | 6         | 4         | 2         | 2        |
| 52* Obstructing peace officer         | 5,111                               | 27                            | 29        | 21        | 11        | 6         | 3         | 1         | 2        |
| 53* Escape custody                    | 960                                 | 39                            | 29        | 17        | 8         | 4         | 1         | 1         | 1        |
| 54* Unlawfully at large               | 3,905                               | 20                            | 27        | 23        | 15        | 8         | 4         | 1         | 1        |
| 55 Fail to appear in court            | 20,663                              | 27                            | 24        | 19        | 13        | 7         | 4         | 2         | 3        |
| 56 Fail to comply – probation order   | 14,630                              | 26                            | 26        | 20        | 13        | 7         | 4         | 2         | 2        |
| 57 Breach of recognizance             | 673                                 | 13                            | 21        | 21        | 18        | 10        | 8         | 5         | 5        |
| 58 Other off. against admin. of law   | 1,345                               | 18                            | 25        | 20        | 14        | 9         | 5         | 3         | 5        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>   |                                     |                               |           |           |           |           |           |           |          |
| 59 Causing disturbance, trespassing   | 5,241                               | 35                            | 24        | 17        | 10        | 6         | 4         | 2         | 3        |
| 60 All other Criminal Code offences   | 3,484                               | 36                            | 24        | 16        | 10        | 6         | 4         | 2         | 2        |
| <b>TOTAL CRIMINAL CODE</b>            | <b>331,812</b>                      | <b>22</b>                     | <b>21</b> | <b>19</b> | <b>14</b> | <b>9</b>  | <b>6</b>  | <b>4</b>  | <b>5</b> |
| <b>OTHER FEDERAL STATUTES</b>         |                                     |                               |           |           |           |           |           |           |          |
| 61 Narcotic Control Act(NCA) –traffic | 4,641                               | 20                            | 28        | 25        | 14        | 7         | 3         | 1         | 1        |
| 62* NCA – possession                  | 16,198                              | 23                            | 28        | 23        | 15        | 6         | 3         | 1         | 1        |
| 63 Other NCA offences                 | 798                                 | 11                            | 21        | 25        | 20        | 12        | 6         | 2         | 3        |
| 64 Food and Drugs Act                 | 573                                 | 39                            | 31        | 15        | 7         | 4         | 1         | 1         | 1        |
| 65 Other federal statutes             | 44,742                              | 17                            | 19        | 17        | 13        | 10        | 9         | 6         | 9        |
| <b>TOTAL OTHER FEDERAL STAT.</b>      | <b>66,952</b>                       | <b>19</b>                     | <b>23</b> | <b>20</b> | <b>14</b> | <b>9</b>  | <b>6</b>  | <b>4</b>  | <b>6</b> |
| <b>TOTAL C.C. + OTH. FED. STAT.</b>   | <b>398,764</b>                      | <b>22</b>                     | <b>21</b> | <b>19</b> | <b>14</b> | <b>9</b>  | <b>6</b>  | <b>4</b>  | <b>5</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) Offenders under the age of 18 are included in totals, but excluded when calculating percentages.



**TABLE 4. MOST SERIOUS SANCTION IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting<br>In<br>Conviction | Most Serious Sanction |                |                            |      |                          |       |
|---------------------------------------|--|-----------------------|----------------|----------------------------|------|--------------------------|-------|
|                                       |  | Prison                | Proba-<br>tion | Forfeit/<br>Prohib/<br>CSO | Fine | Absol.<br>Dis-<br>charge | Other |
|                                       | #                                      | %                     | %              | %                          | %    | %                        | %     |
| <b>CRIMINAL CODE OFFENCES</b>         |  |                       |                |                            |      |                          |       |
| <b>OFFENCES AGAINST THE PERSON</b>    |  |                       |                |                            |      |                          |       |
| 1 Manslaughter                        | 73                                     | 66                    | 3              | 14                         | 18   | —                        | —     |
| 2 Robbery                             | 2,181                                  | 88                    | 8              | —                          | 2    | 1                        | —     |
| 3 Sex assault—weapon/bodily harm      | 94                                     | 94                    | 4              | —                          | 2    | —                        | —     |
| 4* Sexual assault                     | 1,582                                  | 54                    | 37             | 1                          | 7    | 1                        | —     |
| 5 Aggravated assault                  | 460                                    | 80                    | 15             | —                          | 4    | —                        | —     |
| 6 Assault with weapon/bodily harm     | 5,787                                  | 51                    | 38             | 1                          | 9    | 1                        | —     |
| 7* Assault                            | 30,469                                 | 21                    | 53             | 2                          | 20   | 4                        | —     |
| 8* Assaulting peace officer           | 2,390                                  | 40                    | 27             | 5                          | 27   | 1                        | —     |
| 9 Forcible confinement                | 94                                     | 71                    | 28             | —                          | —    | 1                        | —     |
| 10* Sexual touching of child under 14 | 731                                    | 52                    | 46             | —                          | 1    | —                        | —     |
| 11 Uttering threats of bodily harm    | 3,668                                  | 33                    | 60             | 1                          | 5    | 1                        | —     |
| 12 Harassing/indecent phone calls     | 967                                    | 12                    | 70             | 4                          | 12   | 3                        | —     |
| 13 Other offences against person      | 1,544                                  | 51                    | 29             | 8                          | 10   | 2                        | —     |
| <b>FIREARMS, OTHER WEAPONS</b>        |  |                       |                |                            |      |                          |       |
| 14 Use of firearm during offence      | 52                                     | 100                   | —              | —                          | —    | —                        | —     |
| 15 Careless/dangerous use of firearm  | 2,130                                  | 35                    | 47             | 3                          | 13   | 2                        | —     |
| 16* Possession firearms/other weapons | 2,022                                  | 25                    | 26             | 8                          | 34   | 7                        | —     |
| 17 Other weapon/explosive offences    | 489                                    | 16                    | 18             | 33                         | 27   | 6                        | —     |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |  |                       |                |                            |      |                          |       |
| 18 Break and enter                    | 11,921                                 | 66                    | 31             | —                          | 2    | —                        | —     |
| 19 Possession of break—in instrument  | 355                                    | 52                    | 41             | 1                          | 6    | —                        | —     |
| 20 Possession stolen goods > \$1,000  | 3,120                                  | 55                    | 35             | 1                          | 8    | 1                        | —     |
| 21* Possession stolen goods < \$1,000 | 4,705                                  | 31                    | 32             | 3                          | 32   | 2                        | —     |
| 22 Possession stolen goods — other    | 3,736                                  | 39                    | 37             | 3                          | 19   | 2                        | —     |
| 23 Theft over \$1,000                 | 4,317                                  | 53                    | 40             | 1                          | 5    | 1                        | —     |
| 24* Theft under \$1,000               | 46,287                                 | 18                    | 31             | 5                          | 35   | 10                       | —     |
| 25 Theft — amount unspecified         | 4,078                                  | 20                    | 40             | 14                         | 15   | 11                       | —     |
| 26* Theft/forgery of credit card      | 2,386                                  | 34                    | 45             | 2                          | 17   | 2                        | —     |
| 27 Forgery                            | 2,706                                  | 47                    | 46             | 1                          | 6    | 1                        | —     |
| 28 Personation with intent            | 1,222                                  | 41                    | 39             | 5                          | 14   | —                        | —     |
| 29 Fraud over \$1,000                 | 2,202                                  | 46                    | 48             | 1                          | 4    | 1                        | —     |
| 30* Fraud under \$1,000               | 5,635                                  | 25                    | 52             | 3                          | 15   | 4                        | —     |
| 31 Fraud — amount unspecified         | 1,538                                  | 23                    | 43             | 3                          | 24   | 6                        | 1     |
| 32 False pretences                    | 3,743                                  | 26                    | 44             | 2                          | 22   | 5                        | 1     |
| 33* Mischief — prop. damage > \$1,000 | 1,724                                  | 23                    | 62             | 1                          | 9    | 4                        | 1     |
| 34* Mischief — prop. damage < \$1,000 | 12,837                                 | 15                    | 52             | 3                          | 24   | 5                        | 1     |
| 35 Other property, fraud offences     | 2,533                                  | 31                    | 43             | 4                          | 19   | 3                        | —     |

\* Represents "hybrid" offences.

**TABLE 4. MOST SERIOUS SANCTION IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                       | Cases<br>Resulting<br>In<br>Conviction | Most Serious Sanction |                |                            |           |                          |          |
|--|--|-----------------------|----------------|----------------------------|-----------|--------------------------|----------|
|  |  | Prison                | Proba-<br>tion | Forfeit/<br>Prohib/<br>CSO | Fine      | Absol.<br>Dis-<br>charge | Other    |
|  | #                                      | %                     | %              | %                          | %         | %                        | %        |
| <b>MOTOR VEHICLE OFFENCES</b>              |  |                       |                |                            |           |                          |          |
| 36 Impaired driving – bodily harm          | 392                                    | 70                    | 11             | 14                         | 5         | —                        | —        |
| 37* Impaired driving/over .08              | 78,259                                 | 17                    | 10             | 60                         | 13        | —                        | —        |
| 38* Refuse provide breath/blood sample     | 5,098                                  | 20                    | 4              | 69                         | 7         | —                        | —        |
| 39 Dangerous op. of m.v. –bodily harm      | 147                                    | 67                    | 14             | 14                         | 4         | 1                        | —        |
| 40* Dangerous op. of motor vehicle         | 2,502                                  | 30                    | 10             | 47                         | 13        | —                        | —        |
| 41* Fail to stop at scene of accident      | 1,602                                  | 18                    | 14             | 36                         | 32        | —                        | —        |
| 42* Driving while disqualified             | 6,980                                  | 55                    | 3              | 19                         | 22        | —                        | —        |
| 43 Other motor vehicle offences            | 220                                    | 46                    | 11             | 17                         | 16        | 9                        | —        |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |  |                       |                |                            |           |                          |          |
| 44 Procuring for prostitution              | 44                                     | 48                    | 39             | —                          | 9         | 5                        | —        |
| 45 Keeping common bawdy –house             | 107                                    | 14                    | 49             | 6                          | 31        | 1                        | —        |
| 46 Soliciting / obtaining services         | 5,307                                  | 15                    | 17             | —                          | 52        | 16                       | —        |
| 47 Indecent acts/exposure                  | 1,780                                  | 16                    | 42             | 2                          | 26        | 14                       | —        |
| 48 Gaming and betting offences             | 718                                    | 1                     | 27             | 8                          | 54        | 9                        | —        |
| 49 Other morals offences                   | 580                                    | 8                     | 32             | 12                         | 34        | 14                       | —        |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |  |                       |                |                            |           |                          |          |
| 50 Obstructing justice                     | 388                                    | 64                    | 22             | 1                          | 13        | 1                        | —        |
| 51* Providing false info. to peace officer | 1,898                                  | 15                    | 36             | 8                          | 39        | 2                        | —        |
| 52* Obstructing peace officer              | 5,111                                  | 22                    | 18             | 7                          | 48        | 3                        | —        |
| 53* Escape custody                         | 960                                    | 81                    | 6              | 1                          | 12        | —                        | —        |
| 54* Unlawfully at large                    | 3,905                                  | 89                    | 2              | 2                          | 7         | —                        | —        |
| 55 Fail to appear in court                 | 20,663                                 | 43                    | 10             | 7                          | 39        | 1                        | —        |
| 56 Fail to comply with probation order     | 14,630                                 | 43                    | 23             | 9                          | 24        | 1                        | —        |
| 57 Breach of recognizance                  | 673                                    | 4                     | 12             | 78                         | 3         | 1                        | 2        |
| 58 Other offences against admin. of law    | 1,345                                  | 59                    | 17             | 2                          | 20        | 2                        | —        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |  |                       |                |                            |           |                          |          |
| 59 Causing disturbance, trespassing        | 5,241                                  | 10                    | 30             | 12                         | 43        | 5                        | —        |
| 60 All other Criminal Code offences        | 3,484                                  | 40                    | 37             | 5                          | 16        | 2                        | —        |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>331,812</b>                         | <b>29</b>             | <b>27</b>      | <b>19</b>                  | <b>21</b> | <b>3</b>                 | <b>—</b> |
| <b>OTHER FEDERAL STATUTES</b>              |  |                       |                |                            |           |                          |          |
| 61 Narcotic Control Act(NCA) –traffick     | 4,641                                  | 82                    | 11             | 1                          | 6         | —                        | —        |
| 62* NCA – possession                       | 16,198                                 | 15                    | 17             | 11                         | 51        | 5                        | —        |
| 63 Other NCA offences                      | 798                                    | 50                    | 27             | 8                          | 14        | 1                        | —        |
| 64 Food and Drugs Act                      | 573                                    | 39                    | 14             | 7                          | 38        | 2                        | —        |
| 65 Other federal statutes                  | 44,742                                 | 3                     | 2              | 31                         | 63        | —                        | 1        |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>66,952</b>                          | <b>12</b>             | <b>7</b>       | <b>23</b>                  | <b>55</b> | <b>1</b>                 | <b>1</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>398,764</b>                         | <b>26</b>             | <b>24</b>      | <b>20</b>                  | <b>27</b> | <b>3</b>                 | <b>—</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 5. FREQUENCY OF ALL SANCTIONS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting<br>In<br>Conviction | Type of Sanction (Case-based) |                     |                                 |           |                      |                     |                              |                               |
|---------------------------------------|--|-------------------------------|---------------------|---------------------------------|-----------|----------------------|---------------------|------------------------------|-------------------------------|
|                                       | #                                      | Prison<br>%                   | Prob-<br>ation<br>% | CSO/<br>Prohib/<br>Seizure<br>% | Fine<br>% | Rest./<br>Comp.<br>% | Susp.<br>Sent.<br>% | Cond.<br>Dis-<br>charge<br>% | Absol.<br>Dis-<br>charge<br>% |
| <b>CRIMINAL CODE OFFENCES</b>         |  |                               |                     |                                 |           |                      |                     |                              |                               |
| <b>OFFENCES AGAINST THE PERSON</b>    |  |                               |                     |                                 |           |                      |                     |                              |                               |
| 1 Manslaughter                        | 73                                     | 66                            | 10                  | 49                              | 33        | 1                    | 1                   | —                            | —                             |
| 2 Robbery                             | 2,181                                  | 88                            | 35                  | 32                              | 4         | 2                    | 5                   | —                            | 1                             |
| 3 Sex assault—weapon/bodily harm      | 94                                     | 94                            | 38                  | 28                              | 3         | 1                    | 2                   | —                            | —                             |
| 4* Sexual assault                     | 1,582                                  | 54                            | 75                  | 19                              | 18        | 1                    | 22                  | 3                            | 1                             |
| 5 Aggravated assault                  | 460                                    | 80                            | 51                  | 20                              | 12        | 1                    | 10                  | 1                            | —                             |
| 6 Assault with weapon/bodily harm     | 5,787                                  | 51                            | 66                  | 20                              | 27        | 3                    | 19                  | 3                            | 1                             |
| 7* Assault                            | 30,469                                 | 21                            | 64                  | 12                              | 37        | 2                    | 24                  | 12                           | 4                             |
| 8* Assaulting peace officer           | 2,390                                  | 40                            | 39                  | 17                              | 44        | 2                    | 11                  | 4                            | 1                             |
| 9 Forcible confinement                | 94                                     | 71                            | 60                  | 22                              | 7         | —                    | 17                  | —                            | 1                             |
| 10* Sexual touching of child under 14 | 731                                    | 52                            | 89                  | 22                              | 11        | 1                    | 33                  | 1                            | —                             |
| 11 Uttering threats of bodily harm    | 3,668                                  | 33                            | 81                  | 21                              | 22        | 2                    | 33                  | 7                            | 1                             |
| 12 Harassing/indecent phone calls     | 967                                    | 12                            | 76                  | 20                              | 36        | 1                    | 27                  | 15                           | 3                             |
| 13 Other offences against person      | 1,544                                  | 51                            | 51                  | 29                              | 24        | 5                    | 18                  | 3                            | 2                             |
| <b>FIREARMS, OTHER WEAPONS</b>        |  |                               |                     |                                 |           |                      |                     |                              |                               |
| 14 Use of firearm during offence      | 52                                     | 100                           | 35                  | 42                              | 8         | —                    | 4                   | 4                            | —                             |
| 15 Careless/dangerous use—firearm     | 2,130                                  | 35                            | 63                  | 25                              | 32        | 2                    | 25                  | 6                            | 2                             |
| 16* Possession firearm/other weapon   | 2,022                                  | 25                            | 33                  | 18                              | 50        | —                    | 9                   | 8                            | 7                             |
| 17 Other weapon/explosive offences    | 489                                    | 16                            | 24                  | 40                              | 39        | 1                    | 8                   | 7                            | 6                             |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |  |                               |                     |                                 |           |                      |                     |                              |                               |
| 18 Break and enter                    | 11,921                                 | 66                            | 59                  | 22                              | 11        | 12                   | 20                  | 1                            | —                             |
| 19 Possess break—in instrument        | 355                                    | 52                            | 57                  | 19                              | 27        | 4                    | 18                  | 4                            | —                             |
| 20 Possess stolen goods > \$1,000     | 3,120                                  | 55                            | 49                  | 18                              | 29        | 5                    | 14                  | 3                            | 1                             |
| 21* Possess stolen goods < \$1,000    | 4,705                                  | 31                            | 38                  | 15                              | 45        | 4                    | 13                  | 7                            | 2                             |
| 22 Possess stolen goods — other       | 3,736                                  | 39                            | 48                  | 15                              | 34        | 8                    | 17                  | 8                            | 2                             |
| 23 Theft over \$1,000                 | 4,317                                  | 53                            | 62                  | 24                              | 21        | 15                   | 20                  | 4                            | 1                             |
| 24* Theft under \$1,000               | 46,287                                 | 18                            | 36                  | 15                              | 48        | 4                    | 12                  | 10                           | 10                            |
| 25 Theft — amount unspecified         | 4,078                                  | 20                            | 47                  | 28                              | 40        | 8                    | 16                  | 12                           | 11                            |
| 26* Theft/forgery of credit card      | 2,386                                  | 34                            | 55                  | 17                              | 30        | 18                   | 23                  | 10                           | 2                             |
| 27 Forgery                            | 2,706                                  | 47                            | 61                  | 19                              | 23        | 16                   | 28                  | 2                            | 1                             |
| 28 Personation with intent            | 1,222                                  | 41                            | 50                  | 28                              | 51        | 2                    | 9                   | 2                            | —                             |
| 29 Fraud over \$1,000                 | 2,202                                  | 46                            | 70                  | 18                              | 16        | 31                   | 31                  | 4                            | 1                             |
| 30* Fraud under \$1,000               | 5,635                                  | 25                            | 63                  | 23                              | 30        | 25                   | 27                  | 8                            | 4                             |
| 31 Fraud — amount unspecified         | 1,538                                  | 23                            | 51                  | 13                              | 36        | 29                   | 24                  | 8                            | 6                             |
| 32 False pretences                    | 3,743                                  | 26                            | 54                  | 12                              | 34        | 26                   | 24                  | 6                            | 6                             |
| 33* Mischief—prop. damage > \$1000    | 1,724                                  | 23                            | 74                  | 8                               | 22        | 49                   | 33                  | 15                           | 4                             |
| 34* Mischief—prop. damage < \$1000    | 12,837                                 | 15                            | 58                  | 16                              | 43        | 30                   | 22                  | 10                           | 5                             |
| 35 Other property, fraud offences     | 2,533                                  | 31                            | 57                  | 18                              | 33        | 10                   | 21                  | 9                            | 3                             |

\* Represents "hybrid" offence



**TABLE 5. FREQUENCY OF ALL SANCTIONS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting<br>In<br>Conviction | Type of Sanction (Case-based) |                |                            |           |                 |                |                         |                          |
|---------------------------------------|--|-------------------------------|----------------|----------------------------|-----------|-----------------|----------------|-------------------------|--------------------------|
|                                       |  | Prison                        | Prob-<br>ation | CSO/<br>Prohib/<br>Seizure | Fine      | Rest./<br>Comp. | Susp.<br>Sent. | Cond.<br>Dis-<br>charge | Absol.<br>Dis-<br>charge |
|                                       | #                                      | %                             | %              | %                          | %         | %               | %              | %                       | %                        |
| <b>MOTOR VEHICLE OFFENCES</b>         |  |                               |                |                            |           |                 |                |                         |                          |
| 36 Impaired driving – bodily harm     | 392                                    | 70                            | 48             | 80                         | 33        | 1               | 2              | --                      | --                       |
| 37* Impaired driving/over .08         | 78,259                                 | 17                            | 16             | 81                         | 84        | --              | --             | --                      | --                       |
| 38* Refuse to provide breath sample   | 5,098                                  | 20                            | 12             | 90                         | 81        | --              | --             | --                      | --                       |
| 39 Dangerous op. m.v. –bodily harm    | 147                                    | 67                            | 37             | 81                         | 29        | 4               | 7              | --                      | 1                        |
| 40* Dangerous op. of motor vehicle    | 2,502                                  | 30                            | 19             | 75                         | 66        | 1               | 4              | 1                       | --                       |
| 41* Fail to stop at scene of accident | 1,602                                  | 18                            | 21             | 54                         | 76        | 5               | 4              | 1                       | --                       |
| 42* Driving while disqualified        | 6,980                                  | 55                            | 20             | 53                         | 45        | --              | 1              | --                      | --                       |
| 43 Other motor vehicle offences       | 220                                    | 46                            | 26             | 55                         | 35        | 1               | 3              | 7                       | 9                        |
| <b>PROSTITUTION / MORAL OFFENCES</b>  |  |                               |                |                            |           |                 |                |                         |                          |
| 44 Procuring for prostitution         | 44                                     | 48                            | 52             | 14                         | 43        | --              | 2              | --                      | 5                        |
| 45 Keeping common bawdy –house        | 107                                    | 14                            | 55             | 29                         | 72        | 1               | 5              | 7                       | 1                        |
| 46 Soliciting / obtaining services    | 5,307                                  | 15                            | 19             | 1                          | 55        | --              | 6              | 7                       | 16                       |
| 47 Indecent acts/exposure             | 1,780                                  | 16                            | 48             | 10                         | 40        | 1               | 17             | 12                      | 14                       |
| 48 Gaming and betting offences        | 718                                    | 1                             | 27             | 12                         | 69        | 2               | 2              | 17                      | 9                        |
| 49 Other morals offences              | 580                                    | 8                             | 35             | 23                         | 59        | 2               | 7              | 9                       | 14                       |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b> |  |                               |                |                            |           |                 |                |                         |                          |
| 50 Obstructing justice                | 388                                    | 64                            | 35             | 13                         | 24        | 2               | 12             | 1                       | 1                        |
| 51* Providing false info. to officer  | 1,898                                  | 15                            | 40             | 18                         | 57        | 2               | 15             | 8                       | 2                        |
| 52* Obstructing peace officer         | 5,111                                  | 22                            | 22             | 15                         | 62        | 1               | 6              | 5                       | 4                        |
| 53* Escape custody                    | 960                                    | 81                            | 11             | 13                         | 15        | --              | 4              | 1                       | --                       |
| 54* Unlawfully at large               | 3,905                                  | 89                            | 9              | 22                         | 9         | --              | 1              | --                      | --                       |
| 55 Fail to appear in court            | 20,663                                 | 43                            | 16             | 15                         | 49        | --              | 6              | 1                       | 1                        |
| 56 Fail to comply – probation order   | 14,630                                 | 43                            | 32             | 31                         | 42        | 4               | 11             | --                      | 1                        |
| 57 Breach of recognizance             | 673                                    | 4                             | 14             | 83                         | 7         | 1               | 5              | 1                       | 1                        |
| 58 Other off. against admin. of law   | 1,345                                  | 59                            | 28             | 12                         | 27        | 1               | 9              | 3                       | 2                        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>   |  |                               |                |                            |           |                 |                |                         |                          |
| 59 Causing disturbance, trespassing   | 5,241                                  | 10                            | 32             | 21                         | 66        | 1               | 9              | 8                       | 5                        |
| 60 All other Criminal Code offences   | 3,484                                  | 40                            | 53             | 30                         | 36        | 6               | 15             | 4                       | 2                        |
| <b>TOTAL CRIMINAL CODE</b>            | <b>331,812</b>                         | <b>29</b>                     | <b>37</b>      | <b>35</b>                  | <b>51</b> | <b>5</b>        | <b>11</b>      | <b>5</b>                | <b>3</b>                 |
| <b>OTHER FEDERAL STATUTES</b>         |  |                               |                |                            |           |                 |                |                         |                          |
| 61 Narcotic Control Act(NCA) –traffic | 4,641                                  | 82                            | 42             | 21                         | 17        | 1               | 4              | --                      | --                       |
| 62* NCA – possession                  | 16,198                                 | 15                            | 20             | 18                         | 71        | --              | 3              | 6                       | 5                        |
| 63 Other NCA offences                 | 798                                    | 50                            | 42             | 23                         | 39        | --              | 10             | 2                       | 1                        |
| 64 Food and Drugs Act                 | 573                                    | 39                            | 30             | 15                         | 53        | --              | 5              | 3                       | 2                        |
| 65 Other federal statutes             | 44,742                                 | 3                             | 2              | 32                         | 95        | --              | 2              | --                      | --                       |
| <b>TOTAL OTHER FEDERAL STAT.</b>      | <b>66,952</b>                          | <b>12</b>                     | <b>10</b>      | <b>28</b>                  | <b>83</b> | <b>--</b>       | <b>2</b>       | <b>2</b>                | <b>2</b>                 |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>  | <b>398,764</b>                         | <b>26</b>                     | <b>32</b>      | <b>34</b>                  | <b>56</b> | <b>4</b>        | <b>10</b>      | <b>4</b>                | <b>3</b>                 |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 6. RANKING OF OFFENCES ACCORDING TO MEDIAN SENTENCE LENGTH  
IMPOSED IN ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Rank | Most Serious Offence                 | Cases<br>Resulting<br>In<br>Conviction | Median<br>Sent.<br>Length<br>(2) | Freq.<br>Incarc-<br>eration<br>Imposed | Maximum<br>Penalty(3) | Frequency<br>Maximum<br>Penalty<br>Imposed |
|------|--------------------------------------|--|----------------------------------|--|-----------------------|--|
|      |                                      | #                                      | (in days)                        | %                                      |                       | %  |
| 1    | Manslaughter                         | 73                                     | 1,460                            | 66                                     | Life                  | —  |
| 2    | Sex assault—weapon/bodily harm       | 94                                     | 730                              | 94                                     | 14 yrs.               | —  |
| 3    | Robbery                              | 2,181                                  | 630                              | 88                                     | Life                  | —  |
| 4    | Use of firearm during offence        | 52                                     | 365                              | 100                                    | 14 yrs.               | —  |
| 5    | Forcible confinement                 | 94                                     | 300                              | 71                                     | 10 yrs.               | —  |
| 6    | Aggravated assault                   | 460                                    | 270                              | 80                                     | 14 yrs.               | —  |
| 7    | Break and enter                      | 11,921                                 | 180                              | 66                                     | Life                  | —  |
| 8    | Other NCA offences                   | 798                                    | 180                              | 50                                     | ...                   | ...  |
| 9    | Procuring for prostitution           | 44                                     | 180                              | 48                                     | 14 yrs.               | —  |
| 10   | * Sexual assault                     | 1,582                                  | 120                              | 54                                     | 10 yrs.               | —  |
| 11   | Narcotic Control Act(NCA)—traffick   | 4,641                                  | 90                               | 82                                     | Life                  | —  |
| 12   | Impaired driving — bodily harm       | 392                                    | 90                               | 70                                     | 10 yrs.               | —  |
| 13   | Dangerous op. of m.v.—bodily harm    | 147                                    | 90                               | 67                                     | 10 yrs.               | —  |
| 14   | Possession stolen goods > \$1,000    | 3,120                                  | 90                               | 55                                     | 10 yrs.               | —  |
| 15   | Theft over \$1,000                   | 4,317                                  | 90                               | 53                                     | 10 yrs.               | —  |
| 16   | * Sexual touching of child under 14  | 731                                    | 90                               | 52                                     | 10 yrs.               | —  |
| 17   | Other offences against person        | 1,544                                  | 90                               | 51                                     | ...                   | ...  |
| 18   | Fraud over \$1,000                   | 2,202                                  | 90                               | 46                                     | 10 yrs.               | —  |
| 19   | All other Criminal Code offences     | 3,484                                  | 90                               | 40                                     | ...                   | ...  |
| 20   | Keeping common bawdy—house           | 107                                    | 90                               | 14                                     | 2 yrs.                | —  |
| 21   | Other motor vehicle offences         | 220                                    | 65                               | 46                                     | ...                   | ...  |
| 22   | Possession of break—in instrument    | 355                                    | 60                               | 52                                     | 10 yrs.               | —  |
| 23   | Assault with weapon/bodily harm      | 5,787                                  | 60                               | 51                                     | 10 yrs.               | —  |
| 24   | Forgery                              | 2,706                                  | 60                               | 47                                     | 14 yrs.               | —  |
| 25   | Food and Drugs Act                   | 573                                    | 60                               | 39                                     | ...                   | ...  |
|      | Possession stolen goods — other      | 3,736                                  | 60                               | 39                                     | ...                   | ...  |
| 27   | Other property, fraud offences       | 2,533                                  | 60                               | 31                                     | ...                   | ...  |
| 28   | * Dangerous op. of motor vehicle     | 2,502                                  | 60                               | 30                                     | 5 yrs.                | —  |
| 29   | * Fraud under \$1,000                | 5,635                                  | 60                               | 25                                     | 2 yrs.                | 1  |
| 30   | Other weapon/explosive offences      | 489                                    | 60                               | 16                                     | ...                   | ...  |
| 31   | * Escape custody                     | 960                                    | 45                               | 81                                     | 2 yrs.                | —  |
| 32   | Careless/dangerous use of firearm    | 2,130                                  | 45                               | 35                                     | 5/10 yrs.             | —  |
| 33   | * Theft/forgery of credit card       | 2,386                                  | 45                               | 34                                     | 10 yrs.               | —  |
| 34   | Gaming and betting offences          | 718                                    | 45                               | 1                                      | 2 yrs.                | 10   |
| 35   | * Unlawfully at large                | 3,905                                  | 30                               | 89                                     | 2 yrs.                | —  |
| 36   | Obstructing justice                  | 388                                    | 30                               | 64                                     | 10 yrs.               | —  |
| 37   | Other offences against admin. of law | 1,345                                  | 30                               | 59                                     | ...                   | ...  |
| 38   | * Driving while disqualified         | 6,980                                  | 30                               | 55                                     | 2 yrs.                | —  |
| 39   | Fail to comply with probation order  | 14,630                                 | 30                               | 43                                     | 6 mths.               | 5  |
| 40   | Personation with intent              | 1,222                                  | 30                               | 41                                     | 14 yrs.               | —  |

\* Represents "hybrid" offence

**TABLE 6. RANKING OF OFFENCES ACCORDING TO MEDIAN SENTENCE LENGTH  
IMPOSED IN ADULT PROVIN. COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Rank | Most Serious Offence                     | Cases<br>Resulting<br>In<br>Conviction | Median<br>Sent.<br>Length<br>(2) | Freq.<br>Incarc-<br>eration<br>Imposed | Maximum<br>Penalty(3) | Frequency<br>Maximum<br>Penalty<br>Imposed |
|------|--|--|----------------------------------|--|-----------------------|--|
|      |  | #                                      | (in days)                        | %                                      |                       | %  |
| 41   | * Assaulting peace officer               | 2,390                                  | 30                               | 40                                     | 5 yrs.                | —  |
| 42   | Uttering threats of bodily harm          | 3,668                                  | 30                               | 33                                     | 5 yrs.                | —  |
| 43   | * Possession stolen goods < \$1,000      | 4,705                                  | 30                               | 31                                     | 2 yrs.                | —  |
| 44   | False pretences                          | 3,743                                  | 30                               | 26                                     | 10/5 yrs.             | —  |
| 45   | * Possession firearms/other weapons      | 2,022                                  | 30                               | 25                                     | 5 yrs.                | —  |
| 46   | Fraud — amount unspecified               | 1,538                                  | 30                               | 23                                     | ...                   | ...  |
|      | * Mischief — prop. damage > \$1,000      | 1,724                                  | 30                               | 23                                     | 10 yrs.               | —  |
| 48   | * Obstructing peace officer              | 5,111                                  | 30                               | 22                                     | 2 yrs.                | —  |
| 49   | * Assault                                | 30,469                                 | 30                               | 21                                     | 5 yrs.                | —  |
| 50   | * Refuse provide breath/blood sample     | 5,098                                  | 30                               | 20                                     | 5 yrs.                | —  |
|      | Theft — amount unspecified               | 4,078                                  | 30                               | 20                                     | ...                   | ...  |
| 52   | * Theft under \$1,000                    | 46,287                                 | 30                               | 18                                     | 2 yrs.                | —  |
|      | * Fail to stop at scene of accident      | 1,602                                  | 30                               | 18                                     | 2 yrs.                | —  |
| 54   | * Impaired driving/over .08              | 78,259                                 | 30                               | 17                                     | 5 yrs.                | —  |
| 55   | Indecent acts/exposure                   | 1,780                                  | 30                               | 16                                     | 6 mths.               | 5  |
| 56   | * Providing false info. to peace officer | 1,898                                  | 30                               | 15                                     | 5 yrs.                | —  |
|      | * Mischief — prop. damage < \$1,000      | 12,837                                 | 30                               | 15                                     | 2 yrs.                | —  |
| 58   | Harassing/indecent phone calls           | 967                                    | 30                               | 12                                     | 6 mths.               | 7  |
| 59   | Other morals offences                    | 580                                    | 30                               | 8                                      | ...                   | ...  |
| 60   | * NCA — possession                       | 16,198                                 | 25                               | 15                                     | 7 yrs.                | —  |
| 61   | Fail to appear in court                  | 20,663                                 | 15                               | 43                                     | 2 yrs.                | —  |
| 62   | Other federal statutes                   | 44,742                                 | 15                               | 3                                      | ...                   | ...  |
| 63   | Soliciting / obtaining services          | 5,307                                  | 14                               | 15                                     | 6 mths.               | 1  |
| 64   | Causing disturbance, trespassing         | 5,241                                  | 14                               | 10                                     | 6 mths.               | 1  |
| 65   | Breach of recognizance                   | 673                                    | 12                               | 4                                      | 6 mths.               | —  |

\* Represents "hybrid" offences

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) The "median" represents the middle value when all values are ordered in terms of magnitude.

(3) For "hybrid" offences, represents the maximum penalty on indictment.





**TABLE 7. COMPARISON OF SENTENCING PATTERNS FOR SINGLE CHARGE AND MULTIPLE CHARGE CASES, ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 AND 1992 (1)**

| Most Serious Offence      | Cases<br>Resulting In<br>Conviction | Incarceration Rate    |                         | Cases<br>Resulting<br>in Prison | Median Sent. Length(2)        |                                 |
|---------------------------|-------------------------------------|-----------------------|-------------------------|---------------------------------|-------------------------------|---------------------------------|
|                           | #                                   | Single<br>Charge<br>% | Multiple<br>Charge<br>% | #                               | Single<br>Charge<br>(in days) | Multiple<br>Charge<br>(in days) |
| Robbery                   | 2,181                               | 85                    | 96                      | 1,930                           | 450                           | 900                             |
| Assaulting peace officer  | 2,390                               | 37                    | 60                      | 937                             | 30                            | 60                              |
| Uttering threats          | 3,668                               | 31                    | 46                      | 1,209                           | 30                            | 89                              |
| Break & Enter             | 11,921                              | 61                    | 78                      | 7,886                           | 120                           | 240                             |
| Possess B&E equipment     | 355                                 | 51                    | 57                      | 183                             | 60                            | 135                             |
| Theft/forgery credit card | 2,386                               | 29                    | 46                      | 799                             | 32                            | 60                              |
| Forgery                   | 2,706                               | 44                    | 50                      | 1,261                           | 30                            | 90                              |
| Fraud < \$1,000           | 5,635                               | 19                    | 39                      | 1,435                           | 30                            | 90                              |
| False Pretenses           | 3,743                               | 20                    | 35                      | 963                             | 30                            | 60                              |
| NCA – trafficking         | 4,641                               | 80                    | 90                      | 3,805                           | 90                            | 150                             |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) The "median" represents the middle value when all values are ordered in terms of magnitude.

**TABLE 8. AVERAGE INCARCERATION SENTENCE LENGTHS IMPOSED IN PROVINCIAL ADULT COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                | Cases<br>Receiving<br>Prison<br># | Median<br>Sent.(2)<br>Length<br>(days) | Mean<br>Sent.<br>Length<br>(days) | Coeffi-<br>cient of(3)<br>Variation | Modal<br>Sent.<br>Lngth<br>(days) | Mid-80<br>Percentile<br>Range (4)<br>(days) |
|-------------------------------------|-----------------------------------|--|-----------------------------------|-------------------------------------|-----------------------------------|---|
| <b>CRIMINAL CODE OFFENCES</b>       |                                   |  |                                   |                                     |                                   |   |
| <b>OFFENCES AGAINST THE PERSON</b>  |                                   |  |                                   |                                     |                                   |   |
| 1 Manslaughter                      | 48                                | 1,460                                  | 1,830                             | 86                                  | 1,460                             | 30 – 4052                                   |
| 2 Robbery                           | 1,930                             | 630                                    | 769                               | 95                                  | 730                               | 90 – 1638                                   |
| 3 Sex assault—weapon/bod.hrm.       | 88                                | 730                                    | 990                               | 86                                  | 1,095                             | 60 – 2190                                   |
| 4* Sexual assault                   | 861                               | 120                                    | 297                               | 131                                 | 90                                | 30 – 730                                    |
| 5 Aggravated assault                | 370                               | 270                                    | 408                               | 126                                 | 90                                | 30 – 900                                    |
| 6 Assault with weapon/bod. hrm.     | 2,949                             | 60                                     | 114                               | 147                                 | 90                                | 1 – 270                                     |
| 7* Assault                          | 6,232                             | 30                                     | 51                                | 248                                 | 30                                | 1 – 90                                      |
| 8* Assaulting peace officer         | 937                               | 30                                     | 52                                | 116                                 | 30                                | 3 – 120                                     |
| 9 Forcible confinement              | 67                                | 300                                    | 495                               | 121                                 | 90                                | 30 – 1116                                   |
| 10* Sexual touching of child < 14   | 383                               | 90                                     | 207                               | 139                                 | 90                                | 30 – 540                                    |
| 11 Uttering threats of bodily harm  | 1,209                             | 30                                     | 92                                | 289                                 | 30                                | 1 – 180                                     |
| 12 Harassing/indecent phone call    | 113                               | 30                                     | 55                                | 108                                 | 30                                | 1 – 150                                     |
| 13 Other offences against person    | 782                               | 90                                     | 459                               | ...                                 | 30                                | 10 – 1095                                   |
| <b>FIREARMS, OTHER WEAPONS</b>      |                                   |  |                                   |                                     |                                   |   |
| 14 Use of firearm during offence    | 52                                | 365                                    | 549                               | 119                                 | 365                               | 365 – 1004                                  |
| 15 Careless/dang. use of firearm    | 733                               | 45                                     | 110                               | 192                                 | 1                                 | 1 – 270                                     |
| 16* Poss. firearms/other weapons    | 502                               | 30                                     | 79                                | 138                                 | 30                                | 1 – 180                                     |
| 17 Other weapon/explosive off.      | 78                                | 60                                     | 133                               | ...                                 | 30                                | 7 – 307                                     |
| <b>OFF. AGAINST PROPERTY, FRAUD</b> |                                   |  |                                   |                                     |                                   |   |
| 18 Break and enter                  | 7,886                             | 180                                    | 242                               | 119                                 | 90                                | 30 – 600                                    |
| 19 Poss. of break—in instrument     | 183                               | 60                                     | 143                               | 406                                 | 30                                | 1 – 240                                     |
| 20 Poss. stolen goods > \$1,000     | 1,729                             | 90                                     | 158                               | 120                                 | 90                                | 1 – 365                                     |
| 21* Poss. stolen goods < \$1,000    | 1,441                             | 30                                     | 77                                | 137                                 | 30                                | 5 – 180                                     |
| 22 Poss. stolen goods – other       | 1,438                             | 60                                     | 96                                | 135                                 | 30                                | 7 – 182                                     |
| 23 Theft over \$1,000               | 2,299                             | 90                                     | 166                               | 123                                 | 90                                | 14 – 365                                    |
| 24* Theft under \$1,000             | 8,421                             | 30                                     | 66                                | 270                                 | 30                                | 1 – 150                                     |
| 25 Theft – amount unspecified       | 821                               | 30                                     | 80                                | 176                                 | 30                                | 1 – 180                                     |
| 26* Theft/forgery of credit card    | 799                               | 45                                     | 96                                | 170                                 | 30                                | 1 – 180                                     |
| 27 Forgery                          | 1,261                             | 60                                     | 145                               | 203                                 | 1                                 | 1 – 365                                     |
| 28 Personation with intent          | 497                               | 30                                     | 90                                | 166                                 | 30                                | 1 – 216                                     |
| 29 Fraud over \$1,000               | 1,016                             | 90                                     | 176                               | 130                                 | 90                                | 7 – 450                                     |
| 30* Fraud under \$1,000             | 1,435                             | 60                                     | 129                               | 243                                 | 30                                | 8 – 344                                     |
| 31 Fraud – amount unspecified       | 348                               | 30                                     | 66                                | 181                                 | 1                                 | 1 – 180                                     |
| 32 False pretences                  | 963                               | 30                                     | 92                                | 164                                 | 30                                | 1 – 180                                     |
| 33* Mischief – damage > \$1,000     | 392                               | 30                                     | 56                                | 182                                 | 30                                | 1 – 120                                     |
| 34* Mischief – damage < \$1,000     | 1,871                             | 30                                     | 50                                | 163                                 | 30                                | 1 – 120                                     |
| 35 Other property, fraud offences   | 790                               | 60                                     | 173                               | ...                                 | 30                                | 1 – 540                                     |

\* Represents "hybrid" offence



**TABLE 8. AVERAGE INCARCERAL SENTENCE LENGTHS IMPOSED IN PROVINCIAL ADULT COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Receiving<br>Prison<br># | Median<br>Sent.(2)<br>Length<br>(days) | Mean<br>Sent.<br>Length<br>(days) | Coeffi-<br>cient of(3)<br>Variation | Modal<br>Sent.<br>Lngth<br>(days) | Mid-80<br>Percentile<br>Range (4)<br>(days) |
|---------------------------------------|-----------------------------------|--|-----------------------------------|-------------------------------------|-----------------------------------|---|
| <b>MOTOR VEHICLE OFFENCES</b>         |                                   |  |                                   |                                     |                                   |   |
| 36 Impaired driving – bodily harm     | 275                               | 90                                     | 137                               | 128                                 | 90                                | 30 – 300                                    |
| 37* Impaired driving/over .08         | 13,197                            | 30                                     | 59                                | 235                                 | 14                                | 14 – 120                                    |
| 38* Refuse provide breath sample      | 1,042                             | 30                                     | 62                                | 182                                 | 14                                | 14 – 120                                    |
| 39 Dangerous op. m.v.–bod.hrm         | 99                                | 90                                     | 162                               | 108                                 | 90                                | 14 – 365                                    |
| 40* Dangerous operation – m. v.       | 742                               | 60                                     | 105                               | 125                                 | 30                                | 15 – 180                                    |
| 41* Fail to stop scene of accident    | 289                               | 30                                     | 59                                | 118                                 | 30                                | 10 – 150                                    |
| 42* Driving while disqualified        | 3,853                             | 30                                     | 56                                | 126                                 | 30                                | 14 – 120                                    |
| 43 Other motor vehicle offences       | 102                               | 65                                     | 279                               | ...                                 | 30                                | 15 – 730                                    |
| <b>PROSTITUTION / MORAL OFFENCES</b>  |                                   |  |                                   |                                     |                                   |   |
| 44 Procuring for prostitution         | 21                                | 180                                    | 420                               | 106                                 | 90                                | 54 – 1059                                   |
| 45 Keeping bawdy–house                | 15                                | 90                                     | 83                                | 87                                  | 15                                | 9 – 204                                     |
| 46 Soliciting / obtaining services    | 782                               | 14                                     | 21                                | 131                                 | 1                                 | 1 – 60                                      |
| 47 Indecent acts/exposure             | 275                               | 30                                     | 44                                | 131                                 | 30                                | 1 – 120                                     |
| 48 Gaming and betting offences        | 10                                | 45                                     | 351                               | 169                                 | 1                                 | 1 – 1715                                    |
| 49 Other morals offences              | 49                                | 30                                     | 58                                | ...                                 | 1                                 | 1 – 120                                     |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b> |                                   |  |                                   |                                     |                                   |   |
| 50 Obstructing justice                | 248                               | 30                                     | 72                                | 174                                 | 30                                | 1 – 180                                     |
| 51* Provide false info. to officer    | 282                               | 30                                     | 53                                | 186                                 | 30                                | 1 – 111                                     |
| 52* Obstructing peace officer         | 1,128                             | 30                                     | 42                                | 512                                 | 30                                | 1 – 90                                      |
| 53* Escape custody                    | 770                               | 45                                     | 70                                | 163                                 | 30                                | 7 – 180                                     |
| 54* Unlawfully at large               | 3,494                             | 30                                     | 34                                | 145                                 | 30                                | 2 – 90                                      |
| 55 Fail to appear in court            | 8,769                             | 15                                     | 29                                | 649                                 | 1                                 | 1 – 60                                      |
| 56 Fail to comply probation order     | 6,334                             | 30                                     | 48                                | 320                                 | 30                                | 3 – 90                                      |
| 57 Breach of recognizance             | 26                                | 12                                     | 19                                | 108                                 | 30                                | 1 – 45                                      |
| 58 Other off. against admin. of law   | 783                               | 30                                     | 107                               | ...                                 | 30                                | 1 – 210                                     |
| <b>OTHER CRIMINAL CODE OFFENCES</b>   |                                   |  |                                   |                                     |                                   |   |
| 59 Causing disturbance, trespass      | 504                               | 14                                     | 28                                | 363                                 | 1                                 | 1 – 60                                      |
| 60 Other Criminal Code offences       | 1,376                             | 90                                     | 306                               | ...                                 | 90                                | 10 – 730                                    |
| <b>TOTAL CRIMINAL CODE</b>            | <b>95,389</b>                     | <b>30</b>                              | <b>111</b>                        | <b>...</b>                          | <b>30</b>                         | <b>2 – 240</b>                              |
| <b>OTHER FEDERAL STATUTES</b>         |                                   |  |                                   |                                     |                                   |   |
| 61 NCA – trafficking                  | 3,805                             | 90                                     | 219                               | 178                                 | 90                                | 20 – 548                                    |
| 62* NCA – possession                  | 2,438                             | 25                                     | 37                                | 184                                 | 30                                | 1 – 90                                      |
| 63 Other NCA offences                 | 401                               | 180                                    | 377                               | ...                                 | 90                                | 3 – 910                                     |
| 64 Food and Drugs Act                 | 222                               | 60                                     | 108                               | 137                                 | 30                                | 15 – 270                                    |
| 65 Other federal statutes             | 1,089                             | 15                                     | 51                                | ...                                 | 1                                 | 1 – 90                                      |
| <b>TOTAL OTHER FEDERAL STAT.</b>      | <b>7,955</b>                      | <b>45</b>                              | <b>145</b>                        | <b>...</b>                          | <b>30</b>                         | <b>1 – 365</b>                              |
| <b>TOTAL C.C. + OTH FED. STAT.</b>    | <b>103,344</b>                    | <b>30</b>                              | <b>114</b>                        | <b>...</b>                          | <b>30</b>                         | <b>1 – 270</b>                              |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) The median represents the middle value when all values are ordered in terms of magnitude.

(3) The coefficient of variation = standard deviation / mean \* 100.

(4) The mid-80 percentile represents the range of values, excluding the highest and lowest 10%.

**TABLE 9. DETAILED INCARCERATION SENTENCE LENGTHS IMPOSED IN ADULT  
PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Receiving<br>Prison | Sentence Length Categories (in days) |    |    |     |     |     |      |      |      |    |
|---------------------------------------|------------------------------|--------------------------------------|----|----|-----|-----|-----|------|------|------|----|
|                                       |                              | 1                                    | 2– | 8– | 22– | 46– | 76– | 136– | 271– | 501– |    |
|                                       | #                            | %                                    | %  | %  | %   | %   | %   | %    | %    | %    | %  |
| <b>CRIMINAL CODE OFFENCES</b>         |                              |                                      |    |    |     |     |     |      |      |      |    |
| <b>OFFENCES AGAINST THE PERSON</b>    |                              |                                      |    |    |     |     |     |      |      |      |    |
| 1 Manslaughter                        | 48                           | –                                    | –  | 6  | 8   | –   | 4   | 2    | 4    | 10   | 65 |
| 2 Robbery                             | 1,930                        | 2                                    | –  | 1  | 3   | 2   | 7   | 13   | 15   | 13   | 44 |
| 3 Sex assault–weapon/bodily harm      | 88                           | 1                                    | –  | 1  | 5   | 5   | 3   | 10   | 13   | 10   | 52 |
| 4* Sexual assault                     | 861                          | 5                                    | 2  | 3  | 13  | 9   | 20  | 17   | 12   | 9    | 11 |
| 5 Aggravated assault                  | 370                          | 6                                    | 1  | 1  | 5   | 6   | 15  | 22   | 17   | 11   | 16 |
| 6 Assault with weapon/bodily harm     | 2,949                        | 13                                   | 2  | 7  | 18  | 12  | 23  | 16   | 6    | 2    | 1  |
| 7* Assault                            | 6,232                        | 12                                   | 8  | 18 | 30  | 12  | 14  | 5    | 1    | –    | –  |
| 8* Assaulting peace officer           | 937                          | 10                                   | 6  | 16 | 33  | 12  | 15  | 7    | 1    | –    | –  |
| 9 Forcible confinement                | 67                           | 4                                    | 1  | –  | 6   | 6   | 19  | 12   | 15   | 9    | 27 |
| 10* Sexual touching of child under 14 | 383                          | 4                                    | 1  | 3  | 16  | 11  | 27  | 16   | 10   | 6    | 5  |
| 11 Uttering threats of bodily harm    | 1,209                        | 15                                   | 5  | 12 | 22  | 10  | 19  | 12   | 3    | 1    | 1  |
| 12 Harassing/indecent phone calls     | 113                          | 13                                   | 6  | 18 | 21  | 15  | 16  | 10   | 1    | –    | –  |
| 13 Other offences against person      | 782                          | 6                                    | 3  | 11 | 16  | 8   | 17  | 10   | 8    | 6    | 16 |
| <b>FIREARMS, OTHER WEAPONS</b>        |                              |                                      |    |    |     |     |     |      |      |      |    |
| 14 Use of firearm during offence      | 52                           | –                                    | –  | –  | –   | –   | –   | –    | 81   | 5    | 14 |
| 15 Careless/dangerous of firearm      | 733                          | 20                                   | 3  | 9  | 20  | 10  | 18  | 12   | 4    | 2    | 3  |
| 16* Possess firearms/other weapons    | 502                          | 15                                   | 5  | 14 | 21  | 10  | 17  | 11   | 4    | 1    | 1  |
| 17 Other weapon/explosive offences    | 78                           | 8                                    | 3  | 9  | 23  | 9   | 19  | 19   | 4    | 1    | 5  |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |                              |                                      |    |    |     |     |     |      |      |      |    |
| 18 Break and enter                    | 7,886                        | 5                                    | 1  | 3  | 10  | 8   | 20  | 25   | 14   | 6    | 8  |
| 19 Possess break–in instrument        | 183                          | 12                                   | 3  | 4  | 21  | 14  | 21  | 18   | 3    | 2    | 2  |
| 20 Possess stolen goods > \$1,000     | 1,729                        | 11                                   | 1  | 3  | 12  | 11  | 24  | 23   | 9    | 3    | 3  |
| 21* Possess stolen goods < \$1,000    | 1,441                        | 8                                    | 5  | 12 | 29  | 11  | 20  | 10   | 3    | 1    | –  |
| 22 Possession stolen goods – other    | 1,438                        | 8                                    | 3  | 12 | 23  | 12  | 22  | 13   | 4    | 1    | 1  |
| 23 Theft over \$1,000                 | 2,299                        | 8                                    | 1  | 5  | 15  | 10  | 23  | 23   | 10   | 3    | 4  |
| 24* Theft under \$1,000               | 8,421                        | 12                                   | 7  | 15 | 28  | 11  | 16  | 8    | 2    | 1    | 1  |
| 25 Theft – amount unspecified         | 821                          | 12                                   | 8  | 15 | 25  | 9   | 15  | 11   | 3    | 1    | 1  |
| 26* Theft/forgery of credit card      | 799                          | 12                                   | 4  | 11 | 25  | 10  | 19  | 13   | 3    | 2    | 1  |
| 27 Forgery                            | 1,261                        | 15                                   | 3  | 6  | 18  | 9   | 20  | 16   | 7    | 2    | 4  |
| 28 Personation with intent            | 497                          | 18                                   | 3  | 13 | 25  | 10  | 14  | 10   | 5    | 2    | 2  |
| 29 Fraud over \$1,000                 | 1,016                        | 9                                    | 1  | 5  | 14  | 11  | 23  | 20   | 9    | 5    | 4  |
| 30* Fraud under \$1,000               | 1,435                        | 6                                    | 3  | 9  | 23  | 11  | 21  | 15   | 7    | 2    | 2  |
| 31 Fraud – amount unspecified         | 348                          | 22                                   | 9  | 11 | 20  | 9   | 17  | 8    | 2    | 1    | 1  |
| 32 False pretences                    | 963                          | 13                                   | 6  | 12 | 22  | 11  | 17  | 11   | 4    | 2    | 2  |
| 33* Mischief–prop. damage >\$1,000    | 392                          | 15                                   | 7  | 16 | 32  | 10  | 12  | 5    | 2    | –    | 1  |
| 34* Mischief–prop. damage <\$1,000    | 1,871                        | 14                                   | 9  | 18 | 29  | 11  | 13  | 6    | 1    | –    | –  |
| 35 Other property, fraud offences     | 790                          | 11                                   | 4  | 11 | 18  | 11  | 15  | 13   | 7    | 6    | 5  |

\* Represents "hybrid" offence

**TABLE 9. DETAILED INCARCERATION SENTENCE LENGTHS IMPOSED IN ADULT  
PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Receiving<br>Prison | Sentence Length Categories (in days) |          |           |           |           |           |           |          |          |          |
|---------------------------------------|------------------------------|--------------------------------------|----------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|
|                                       |                              | 1                                    | 2–       | 8–        | 22–       | 46–       | 76–       | 136–      | 271–     | 501–     |          |
|                                       | #                            | %                                    | %        | %         | %         | %         | %         | %         | %        | %        | %        |
| <b>MOTOR VEHICLE OFFENCES</b>         |                              |                                      |          |           |           |           |           |           |          |          |          |
| 36 Impaired driving – bodily harm     | 275                          | 3                                    | --       | 5         | 19        | 13        | 31        | 19        | 5        | 3        | 2        |
| 37* Impaired driving/over .08         | 13,197                       | 1                                    | 5        | 39        | 20        | 5         | 23        | 6         | 1        | --       | --       |
| 38* Refuse to provide breath sample   | 1,042                        | 1                                    | 8        | 33        | 18        | 7         | 26        | 5         | 1        | --       | 1        |
| 39 Dangerous op. m.v. –bodily harm    | 99                           | 6                                    | --       | 5         | 16        | 5         | 29        | 22        | 8        | 6        | 2        |
| 40* Dangerous op. of motor vehicle    | 742                          | 2                                    | 3        | 8         | 27        | 14        | 25        | 15        | 3        | 1        | 2        |
| 41* Fail to stop at scene of accident | 289                          | 2                                    | 6        | 25        | 28        | 14        | 16        | 8         | 2        | --       | --       |
| 42* Driving while disqualified        | 3,853                        | 1                                    | 3        | 19        | 43        | 11        | 15        | 6         | 1        | --       | --       |
| 43 Other motor vehicle offences       | 102                          | 1                                    | 3        | 14        | 26        | 7         | 9         | 8         | 10       | 12       | 11       |
| <b>PROSTITUTION / MORAL OFFENCES</b>  |                              |                                      |          |           |           |           |           |           |          |          |          |
| 44 Procuring for prostitution         | 21                           | --                                   | --       | --        | 10        | --        | 24        | 19        | 14       | 10       | 24       |
| 45 Keeping common bawdy –house        | 15                           | 7                                    | --       | 20        | 20        | --        | 27        | 27        | --       | --       | --       |
| 46 Soliciting / obtaining services    | 782                          | 30                                   | 14       | 23        | 22        | 6         | 5         | 1         | --       | --       | --       |
| 47 Indecent acts/exposure             | 275                          | 18                                   | 13       | 15        | 26        | 7         | 12        | 8         | 1        | --       | --       |
| 48 Gaming and betting offences        | 10                           | 20                                   | 10       | 10        | 10        | 10        | 10        | --        | --       | 10       | 20       |
| 49 Other morals offences              | 49                           | 31                                   | 4        | 8         | 22        | 6         | 20        | 4         | 4        | --       | --       |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b> |                              |                                      |          |           |           |           |           |           |          |          |          |
| 50 Obstructing justice                | 248                          | 16                                   | 5        | 18        | 25        | 10        | 15        | 8         | 2        | 1        | 1        |
| 51* Providing false info. to officer  | 282                          | 10                                   | 6        | 21        | 33        | 11        | 13        | 5         | 1        | --       | 1        |
| 52* Obstructing peace officer         | 1,128                        | 17                                   | 10       | 22        | 31        | 9         | 7         | 3         | --       | --       | --       |
| 53* Escape custody                    | 770                          | 4                                    | 6        | 12        | 32        | 16        | 18        | 8         | 2        | --       | 1        |
| 54* Unlawfully at large               | 3,494                        | 7                                    | 16       | 24        | 32        | 10        | 8         | 2         | --       | --       | --       |
| 55 Fail to appear in court            | 8,769                        | 25                                   | 14       | 23        | 25        | 5         | 4         | 2         | --       | --       | --       |
| 56 Fail to comply probation order     | 6,334                        | 9                                    | 9        | 20        | 34        | 10        | 13        | 6         | --       | --       | --       |
| 57 Breach of recognizance             | 26                           | 15                                   | 27       | 23        | 31        | --        | 4         | --        | --       | --       | --       |
| 58 Other off. against admin. of law   | 783                          | 14                                   | 8        | 15        | 26        | 9         | 13        | 7         | 3        | 2        | 3        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>   |                              |                                      |          |           |           |           |           |           |          |          |          |
| 59 Causing disturbance, trespassing   | 504                          | 29                                   | 15       | 19        | 23        | 6         | 6         | 2         | --       | --       | --       |
| 60 All other Criminal Code offences   | 1,376                        | 6                                    | 3        | 8         | 16        | 8         | 17        | 16        | 9        | 5        | 12       |
| <b>TOTAL CRIMINAL CODE</b>            | <b>95,389</b>                | <b>10</b>                            | <b>6</b> | <b>17</b> | <b>24</b> | <b>9</b>  | <b>16</b> | <b>10</b> | <b>4</b> | <b>2</b> | <b>3</b> |
| <b>OTHER FEDERAL STATUTES</b>         |                              |                                      |          |           |           |           |           |           |          |          |          |
| 61 NCA – trafficking                  | 3,805                        | 6                                    | 1        | 5         | 16        | 10        | 23        | 19        | 8        | 4        | 8        |
| 62* NCA – possession                  | 2,438                        | 20                                   | 11       | 19        | 28        | 10        | 8         | 3         | --       | --       | --       |
| 63 Other NCA offences                 | 401                          | 9                                    | 3        | 4         | 10        | 6         | 17        | 17        | 16       | 6        | 13       |
| 64 Food and Drugs Act                 | 222                          | 4                                    | 1        | 14        | 25        | 9         | 25        | 16        | 5        | --       | 1        |
| 65 Other federal statutes             | 1,089                        | 32                                   | 8        | 16        | 23        | 8         | 8         | 3         | --       | --       | 1        |
| <b>TOTAL OTHER FEDERAL STAT.</b>      | <b>7,955</b>                 | <b>14</b>                            | <b>5</b> | <b>11</b> | <b>21</b> | <b>10</b> | <b>16</b> | <b>12</b> | <b>5</b> | <b>2</b> | <b>5</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>  | <b>103,344</b>               | <b>10</b>                            | <b>6</b> | <b>17</b> | <b>23</b> | <b>9</b>  | <b>16</b> | <b>10</b> | <b>4</b> | <b>2</b> | <b>3</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.



**TABLE 10. FINE AMOUNTS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                  | Cases<br>Resulting in<br>Fine Sentence | Median<br>Fine (2)<br>Amount | Mid-80<br>Percentile<br>Range (3) |
|---------------------------------------|--|------------------------------|-----------------------------------|
|                                       | #                                      | \$                           | \$                                |
| <b>CRIMINAL CODE OFFENCES</b>         |  |                              |                                   |
| <b>OFFENCES AGAINST THE PERSON</b>    |  |                              |                                   |
| 1 Manslaughter                        | 24                                     | 350                          | 125 – 875                         |
| 2 Robbery                             | 95                                     | 250                          | 90 – 540                          |
| 3 Sexual assault–weapon/bodily harm   | 3                                      | ..                           | .. ..                             |
| 4* Sexual assault                     | 282                                    | 500                          | 100 – 1,000                       |
| 5 Aggravated assault                  | 53                                     | 500                          | 200 – 1,000                       |
| 6 Assault with weapon/bodily harm     | 1,572                                  | 350                          | 150 – 800                         |
| 7* Assault                            | 11,267                                 | 200                          | 75 – 500                          |
| 8* Assaulting peace officer           | 1,055                                  | 250                          | 100 – 500                         |
| 9 Forcible confinement                | 7                                      | ..                           | .. ..                             |
| 10* Sexual touching of child under 14 | 82                                     | 500                          | 100 – 1,000                       |
| 11 Uttering threats of bodily harm    | 801                                    | 200                          | 100 – 500                         |
| 12 Harassing/indecent phone calls     | 347                                    | 175                          | 50 – 500                          |
| 13 Other offences against person      | 369                                    | 300                          | 100 – 800                         |
| <b>FIREARMS, OTHER WEAPONS</b>        |  |                              |                                   |
| 14 Use of firearm during offence      | 4                                      | ..                           | .. ..                             |
| 15 Careless/dangerous use of firearm  | 681                                    | 300                          | 100 – 600                         |
| 16* Possession firearms/other weapons | 1,015                                  | 200                          | 69 – 500                          |
| 17 Other weapon/explosive offences    | 189                                    | 200                          | 50 – 500                          |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |  |                              |                                   |
| 18 Break and enter                    | 1,357                                  | 300                          | 100 – 750                         |
| 19 Possession of break-in instrument  | 97                                     | 250                          | 90 – 500                          |
| 20 Possession stolen goods > \$1,000  | 919                                    | 450                          | 200 – 1,000                       |
| 21* Possession stolen goods < \$1,000 | 2,121                                  | 200                          | 100 – 500                         |
| 22 Possession stolen goods – other    | 1,265                                  | 253                          | 100 – 750                         |
| 23 Theft over \$1,000                 | 905                                    | 300                          | 150 – 1,000                       |
| 24* Theft under \$1,000               | 22,251                                 | 150                          | 50 – 300                          |
| 25 Theft – amount unspecified         | 1,616                                  | 100                          | 25 – 300                          |
| 26* Theft/forgery of credit card      | 715                                    | 240                          | 100 – 500                         |
| 27 Forgery                            | 609                                    | 200                          | 50 – 500                          |
| 28 Personation with intent            | 618                                    | 200                          | 100 – 500                         |
| 29 Fraud over \$1,000                 | 351                                    | 400                          | 100 – 2,000                       |
| 30* Fraud under \$1,000               | 1,711                                  | 150                          | 50 – 400                          |
| 31 Fraud – amount unspecified         | 547                                    | 100                          | 35 – 300                          |
| 32 False pretences                    | 1,285                                  | 100                          | 50 – 300                          |
| 33* Mischief – prop. damage > \$1,000 | 381                                    | 200                          | 100 – 500                         |
| 34* Mischief – prop. damage < \$1,000 | 5,551                                  | 150                          | 50 – 350                          |
| 35 Other property, fraud offences     | 824                                    | 250                          | 100 – 500                         |

\* Represents "hybrid" offence

**TABLE 10. FINE AMOUNTS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence                       | Cases<br>Resulting in<br>Fine Sentence<br># | Median<br>Fine (2)<br>Amount<br>\$ | Mid-80<br>Percentile<br>Range (3)<br>\$ |
|--|---|------------------------------------|---|
| <b>MOTOR VEHICLE OFFENCES</b>              |   |                                    |   |
| 36 Impaired driving – bodily harm          | 128   | 827                                | 300 – 1,550                             |
| 37* Impaired driving/over .08              | 65,568                                      | 500                                | 300 – 800                               |
| 38* Refuse provide breath/blood sample     | 4,119                                       | 500                                | 300 – 850                               |
| 39 Dangerous op. of m.v. – bodily harm     | 43  | 700                                | 240 – 1,800                             |
| 40* Dangerous op. of motor vehicle         | 1,660                                       | 500                                | 300 – 1,000                             |
| 41* Fail to stop at scene of accident      | 1,220                                       | 400                                | 153 – 750                               |
| 42* Driving while disqualified             | 3,150                                       | 500                                | 150 – 1,000                             |
| 43 Other motor vehicle offences            | 78  | 300                                | 50 – 1,000                              |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |   |                                    |   |
| 44 Procuring for prostitution              | 19  | 500                                | 100 – 2,500                             |
| 45 Keeping common bawdy-house              | 77  | 500                                | 200 – 1,000                             |
| 46 Soliciting / obtaining services         | 2,901                                       | 200                                | 100 – 300                               |
| 47 Indecent acts/exposure                  | 707   | 200                                | 75 – 400                                |
| 48 Gaming and betting offences             | 495   | 200                                | 50 – 2,000                              |
| 49 Other morals offences                   | 344   | 200                                | 80 – 600                                |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |   |                                    |   |
| 50 Obstructing justice                     | 93  | 250                                | 68 – 560                                |
| 51* Providing false info. to peace officer | 1,086                                       | 250                                | 100 – 500                               |
| 52* Obstructing peace officer              | 3,187                                       | 200                                | 75 – 500                                |
| 53* Escape custody                         | 142   | 200                                | 100 – 500                               |
| 54* Unlawfully at large                    | 357   | 175                                | 50 – 450                                |
| 55 Fail to appear in court                 | 10,085                                      | 100                                | 25 – 300                                |
| 56 Fail to comply with probation order     | 6,096                                       | 100                                | 50 – 300                                |
| 57 Breach of recognizance                  | 46  | 213                                | 50 – 500                                |
| 58 Other offences against admin. of law    | 363   | 250                                | 50 – 710                                |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |   |                                    |   |
| 59 Causing disturbance, trespassing        | 3,480                                       | 150                                | 50 – 300                                |
| 60 All other Criminal Code offences        | 1,242                                       | 200                                | 50 – 575                                |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>167,655</b>                              | <b>300</b>                         | <b>75 – 700</b>                         |
| <b>OTHER FEDERAL STATUTES</b>              |   |                                    |   |
| 61 Narcotic Control Act(NCA) – traffick    | 783   | 500                                | 150 – 1,500                             |
| 62* NCA – possession                       | 11,455                                      | 200                                | 100 – 500                               |
| 63 Other NCA offences                      | 315   | 500                                | 100 – 1,500                             |
| 64 Food and Drugs Act                      | 301   | 300                                | 100 – 700                               |
| 65 Other federal statutes                  | 42,536                                      | 79                                 | 15 – 300                                |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>55,390</b>                               | <b>100</b>                         | <b>16 – 500</b>                         |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>223,045</b>                              | <b>250</b>                         | <b>50 – 700</b>                         |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) The median represents the middle value when all values are ordered in terms of magnitude.

(3) The mid-80 percentile represents the range of values, excluding the highest and lowest 10%.





**TABLE 11. COMPENSATION/RESTITUTION AMOUNTS IMPOSED IN ADULT PROVINCIAL COURT, SIX JURISDICTIONS, 1991 & 1992 (1)**

| Most Serious Offence (2)              | Cases<br>Receiving<br>Comp./Rest.<br># | Median<br>Amount<br>(3)<br>\$ | Mid-80<br>Percentile<br>Range (4)<br>\$ |
|---------------------------------------|--|-------------------------------|---|
| <b>CRIMINAL CODE OFFENCES</b>         |  |                               |   |
| 6 Assault with weapon/bodily harm     | 34                                     | 318                           | 84 – 7,811                              |
| 7* Assault                            | 156                                    | 200                           | 40 – 1,006                              |
| 18 Break and enter                    | 115                                    | 170                           | 38 – 1,122                              |
| 20 Possession stolen goods > \$1,000  | 24                                     | 767                           | 49 – 200,000                            |
| 21* Possession stolen goods < \$1,000 | 36                                     | 165                           | 37 – 7,650                              |
| 22 Possession stolen goods – other    | 55                                     | 275                           | 48 – 1,170                              |
| 23 Theft over \$1,000                 | 76                                     | 1,207                         | 171 – 19,868                            |
| 24* Theft under \$1,000               | 336                                    | 185                           | 25 – 1,078                              |
| 25 Theft – amount unspecified         | 61                                     | 250                           | 21 – 2,895                              |
| 26* Theft/forgery of credit card      | 65                                     | 265                           | 44 – 25,116                             |
| 27 Forgery                            | 54                                     | 390                           | 65 – 1,241                              |
| 29 Fraud over \$1,000                 | 60                                     | 1,825                         | 395 – 136,268                           |
| 30* Fraud under \$1,000               | 162                                    | 371                           | 64 – 1,717                              |
| 31 Fraud – amount unspecified         | 107                                    | 87                            | 9 – 2,500                               |
| 32 False pretences                    | 193                                    | 227                           | 32 – 4,019                              |
| 33* Mischief – prop. damage > \$1,000 | 174                                    | 400                           | 100 – 1,755                             |
| 34* Mischief – prop. damage < \$1,000 | 1,136                                  | 200                           | 50 – 4,300                              |
| 35 Other property, fraud offences     | 47                                     | 250                           | 50 – 1,752                              |
| <b>TOTAL CRIMINAL CODE</b>            | <b>3,164</b>                           | <b>250</b>                    | <b>45 – 2,992</b>                       |
| <b>TOTAL OTHER FEDERAL STAT.</b>      | <b>81</b>                              | <b>2,720</b>                  | <b>100 – 233,740</b>                    |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>  | <b>3,245</b>                           | <b>250</b>                    | <b>46 – 3,639</b>                       |

\* Represents "hybrid" offence

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

(2) Only those offences with at least 10 charges receiving compensation or restitution are included.

(3) The median represents the middle value when all values are ordered in terms of magnitude.

(4) The mid-80 percentile represents the range of values, excluding the highest and lowest 10%.

**TABLE 12A. COMPARISON OF JURISDICTIONAL INCARCERATION RATES IN  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)     | Jurisdiction |      |      |      |       |       |
|---------------------------------------|--------------|------|------|------|-------|-------|
|                                       | P.E.I.       | N.S. | Que. | Ont. | Alta. | Yukon |
|                                       | %            | %    | %    | %    | %     | %     |
| <b>CRIMINAL CODE OFFENCES</b>         |              |      |      |      |       |       |
| <b>OFFENCES AGAINST THE PERSON</b>    |              |      |      |      |       |       |
| 1 Manslaughter                        | ..           | ..   | 94   | 53   | ..    | ..    |
| 2 Robbery                             | ..           | 96   | 87   | 90   | 87    | ..    |
| 3 Sexual assault—weapon/bodily harm   | ..           | ..   | 94   | 95   | 89    | ..    |
| 4* Sexual assault                     | 86           | 51   | 50   | 54   | 57    | 80    |
| 5 Aggravated assault                  | ..           | 86   | 70   | 85   | 78    | ..    |
| 6 Assault with weapon/bodily harm     | 73           | 43   | 30   | 58   | 52    | 83    |
| 7* Assault                            | 51           | 11   | 10   | 25   | 19    | 31    |
| 8* Assaulting peace officer           | 30           | 28   | 16   | 54   | 30    | 50    |
| 9 Forcible confinement                | ..           | ..   | 56   | 73   | 89    | ..    |
| 10* Sexual touching of child under 14 | ..           | 50   | 52   | 53   | 51    | ..    |
| 11 Uttering threats of bodily harm    | 62           | 30   | 26   | 38   | 38    | ..    |
| 12 Harassing/indecent phone calls     | 33           | 5    | 12   | 14   | 8     | ..    |
| 13 Other offences against person      | ..           | 38   | 38   | 53   | 56    | 76    |
| <b>FIREARMS, OTHER WEAPONS</b>        |              |      |      |      |       |       |
| 14 Use of firearm during offence      | ..           | ..   | 100  | 100  | ..    | ..    |
| 15 Careless/dangerous use of firearm  | ..           | 22   | 20   | 36   | 40    | 45    |
| 16* Possession firearms/other weapons | ..           | 4    | 13   | 35   | 16    | ..    |
| 17 Other weapon/explosive offences    | ..           | 4    | 13   | 17   | 20    | ..    |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |              |      |      |      |       |       |
| 18 Break and enter                    | 85           | 66   | 55   | 72   | 69    | 79    |
| 19 Possession of break—in instrument  | ..           | ..   | 37   | 53   | 70    | ..    |
| 20 Possession stolen goods > \$1,000  | ..           | 53   | 32   | 55   | 72    | ..    |
| 21* Possession stolen goods < \$1,000 | ..           | 16   | 28   | 30   | 34    | ..    |
| 22 Possession stolen goods – other    | 50           | 27   | 23   | 40   | 50    | 48    |
| 23 Theft over \$1,000                 | 43           | 44   | 44   | 55   | 64    | ..    |
| 24* Theft under \$1,000               | 25           | 12   | 21   | 17   | 20    | 24    |
| 25 Theft – amount unspecified         | 31           | 12   | 15   | 24   | 14    | ..    |
| 26* Theft/forgery of credit card      | ..           | 28   | 27   | 32   | 42    | ..    |
| 27 Forgery                            | 64           | 30   | 40   | 41   | 61    | ..    |
| 28 Personation with intent            | ..           | 8    | 28   | 48   | 67    | ..    |
| 29 Fraud over \$1,000                 | 50           | 33   | 37   | 41   | 63    | ..    |
| 30* Fraud under \$1,000               | ..           | 12   | 31   | 23   | 22    | ..    |
| 31 Fraud – amount unspecified         | ..           | 13   | 25   | 27   | 16    | ..    |
| 32 False pretences                    | 32           | 24   | 25   | 23   | 29    | 33    |
| 33* Mischief – prop. damage > \$1,000 | 23           | 19   | ..   | 23   | 22    | ..    |
| 34* Mischief – prop. damage < \$1,000 | 17           | 8    | 15   | 16   | 13    | 16    |
| 35 Other property, fraud offences     | 50           | 24   | 24   | 34   | 33    | 31    |

\* Represents "hybrid" offence

**TABLE 12A. COMPARISON OF JURISDICTIONAL INCARCERATION RATES IN  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)          | Jurisdiction |           |           |           |           |           |
|--|--------------|-----------|-----------|-----------|-----------|-----------|
|  | P.E.I.       | N.S.      | Que.      | Ont.      | Alta.     | Yukon     |
|  | %            | %         | %         | %         | %         | %         |
| <b>MOTOR VEHICLE OFFENCES</b>              |              |           |           |           |           |           |
| 36 Impaired driving – bodily harm          | ..           | 88        | 58        | 77        | 63        | ..        |
| 37* Impaired driving/over .08              | 97           | 6         | 6         | 22        | 19        | 35        |
| 38* Refuse provide breath/blood sample     | 96           | 10        | 7         | 21        | 24        | 44        |
| 39 Dangerous op. of m.v. –bodily harm      | ..           | ..        | ..        | 73        | 61        | ..        |
| 40* Dangerous op. of motor vehicle         | 79           | 27        | 19        | 48        | 17        | ..        |
| 41* Fail to stop at scene of accident      | 50           | 7         | 8         | 26        | 12        | ..        |
| 42* Driving while disqualified             | 30           | 21        | 43        | 68        | 53        | 67        |
| 43 Other motor vehicle offences            | ..           | 20        | 43        | 47        | 41        | 76        |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |              |           |           |           |           |           |
| 44 Procuring for prostitution              | ..           | ..        | 20        | 48        | ..        | ..        |
| 45 Keeping common bawdy–house              | ..           | ..        | 12        | 21        | ..        | ..        |
| 46 Soliciting / obtaining services         | ..           | ..        | 18        | 19        | 8         | ..        |
| 47 Indecent acts/exposure                  | ..           | 18        | 15        | 16        | 15        | ..        |
| 48 Gaming and betting offences             | ..           | ..        | 1         | 1         | 4         | ..        |
| 49 Other morals offences                   | ..           | ..        | 4         | 13        | 36        | ..        |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |              |           |           |           |           |           |
| 50 Obstructing justice                     | ..           | ..        | 47        | 66        | 73        | ..        |
| 51* Providing false info. to peace officer | ..           | 8         | 6         | 20        | 15        | ..        |
| 52* Obstructing peace officer              | –            | 7         | 15        | 30        | 21        | 58        |
| 53* Escape custody                         | ..           | 50        | 91        | 76        | 77        | ..        |
| 54* Unlawfully at large                    | 90           | 72        | 92        | 87        | 89        | ..        |
| 55 Fail to appear in court                 | 79           | 46        | 30        | 58        | 30        | 65        |
| 56 Fail to comply with probation order     | 65           | 44        | 38        | 54        | 42        | 58        |
| 57 Breach of recognizance                  | ..           | 1         | 5         | 6         | ..        | –         |
| 58 Other offences against admin. of law    | 64           | 64        | 49        | 62        | 40        | 48        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |              |           |           |           |           |           |
| 59 Causing disturbance, trespassing        | 8            | 8         | 12        | 9         | 10        | 11        |
| 60 All other Criminal Code offences        | 67           | 31        | 38        | 41        | 46        | 36        |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>61</b>    | <b>18</b> | <b>24</b> | <b>32</b> | <b>29</b> | <b>42</b> |
| <b>OTHER FEDERAL STATUTES</b>              |              |           |           |           |           |           |
| 61 Narcotic Control Act(NCA) – traffick    | ..           | 85        | 71        | 87        | 85        | 94        |
| 62* NCA – possession                       | 13           | 5         | 11        | 21        | 10        | 11        |
| 63 Other NCA offences                      | ..           | 15        | 34        | 58        | 66        | 29        |
| 64 Food and Drugs Act                      | ..           | 29        | 31        | 40        | 43        | ..        |
| 65 Other federal statutes                  | 8            | 1         | 1         | 3         | 11        | –         |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>14</b>    | <b>7</b>  | <b>8</b>  | <b>12</b> | <b>25</b> | <b>27</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>57</b>    | <b>16</b> | <b>21</b> | <b>28</b> | <b>29</b> | <b>40</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.



**TABLE 12B. NUMBER OF CASES BY OFFENCE GROUP BY JURISDICTION,  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)     | Jurisdiction |       |       |        |        |       |
|---------------------------------------|--------------|-------|-------|--------|--------|-------|
|                                       | P.E.I.       | N.S.  | Que.  | Ont.   | Alta.  | Yukon |
|                                       | #            | #     | #     | #      | #      | #     |
| <b>CRIMINAL CODE OFFENCES</b>         |              |       |       |        |        |       |
| <b>OFFENCES AGAINST THE PERSON</b>    |              |       |       |        |        |       |
| 1 Manslaughter                        | —            | —     | 16    | 51     | 6      | —     |
| 2 Robbery                             | 6            | 52    | 768   | 895    | 452    | 8     |
| 3 Sexual assault—weapon/bodily harm   | 2            | 3     | 18    | 43     | 27     | 1     |
| 4* Sexual assault                     | 14           | 98    | 276   | 808    | 371    | 15    |
| 5 Aggravated assault                  | —            | 22    | 54    | 194    | 188    | 2     |
| 6 Assault with weapon/bodily harm     | 22           | 284   | 936   | 2,620  | 1,884  | 41    |
| 7* Assault                            | 220          | 1,267 | 5,505 | 16,444 | 6,789  | 244   |
| 8* Assaulting peace officer           | 10           | 99    | 521   | 1,264  | 482    | 14    |
| 9 Forcible confinement                | —            | 3     | 27    | 37     | 27     | —     |
| 10* Sexual touching of child under 14 | 6            | 24    | 232   | 307    | 160    | 2     |
| 11 Uttering threats of bodily harm    | 34           | 149   | 1,394 | 1,564  | 527    | —     |
| 12 Harassing/indecent phone calls     | 12           | 57    | 357   | 342    | 199    | —     |
| 13 Other offences against person      | 10           | 45    | 264   | 1,073  | 135    | 17    |
| <b>FIREARMS, OTHER WEAPONS</b>        |              |       |       |        |        |       |
| 14 Use of firearm during offence      | —            | —     | 21    | 30     | 1      | —     |
| 15 Careless/dangerous use of firearm  | 6            | 153   | 283   | 955    | 713    | 20    |
| 16* Possession firearms/other weapons | 5            | 49    | 362   | 1,079  | 524    | 3     |
| 17 Other weapon/explosive offences    | 2            | 28    | 90    | 269    | 100    | —     |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |              |       |       |        |        |       |
| 18 Break and enter                    | 137          | 647   | 3,292 | 4,581  | 3,217  | 47    |
| 19 Possession of break—in instrument  | —            | 4     | 115   | 150    | 86     | —     |
| 20 Possession stolen goods > \$1,000  | —            | 57    | 844   | 976    | 1,242  | 1     |
| 21* Possession stolen goods < \$1,000 | 5            | 136   | 1,024 | 1,878  | 1,660  | 2     |
| 22 Possession stolen goods — other    | 32           | 240   | 275   | 2,837  | 323    | 29    |
| 23 Theft over \$1,000                 | 21           | 147   | 1,537 | 1,438  | 1,167  | 7     |
| 24* Theft under \$1,000               | 199          | 2,016 | 9,616 | 20,454 | 13,880 | 122   |
| 25 Theft — amount unspecified         | 16           | 147   | 1,437 | 2,414  | 57     | 7     |
| 26* Theft/forgery of credit card      | 5            | 43    | 467   | 1,219  | 652    | —     |
| 27 Forgery                            | 36           | 105   | 773   | 967    | 823    | 2     |
| 28 Personation with intent            | 1            | 13    | 659   | 286    | 260    | 3     |
| 29 Fraud over \$1,000                 | 16           | 55    | 389   | 1,156  | 586    | —     |
| 30* Fraud under \$1,000               | 7            | 216   | 2,237 | 2,289  | 886    | —     |
| 31 Fraud — amount unspecified         | 5            | 127   | 158   | 902    | 341    | 5     |
| 32 False pretences                    | 31           | 166   | 640   | 1,608  | 1,286  | 12    |
| 33* Mischief — prop. damage > \$1,000 | 13           | 84    | 9     | 1,520  | 93     | 5     |
| 34* Mischief — prop. damage < \$1,000 | 148          | 841   | 3,229 | 4,804  | 3,735  | 80    |
| 35 Other property, fraud offences     | 30           | 139   | 575   | 1,282  | 491    | 16    |

\* Represents "hybrid" offence

**TABLE 12B. NUMBER OF CASES BY OFFENCE GROUP BY JURISDICTION,  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)          | Jurisdiction |               |                |                |               |              |
|--|--------------|---------------|----------------|----------------|---------------|--------------|
|  | P.E.I.       | N.S.          | Que.           | Ont.           | Alta.         | Yukon        |
|  | #            | #             | #              | #              | #             | #            |
| <b>MOTOR VEHICLE OFFENCES</b>              |              |               |                |                |               |              |
| 36 Impaired driving – bodily harm          | –            | 17            | 69             | 185            | 120           | 1            |
| 37* Impaired driving/over .08              | 621          | 3,712         | 19,926         | 29,932         | 23,589        | 479          |
| 38* Refuse provide breath/blood sample     | 131          | 1,073         | 513            | 1,173          | 2,156         | 52           |
| 39 Dangerous op. of m.v.–bodily harm       | –            | 7             | 7              | 71             | 59            | 3            |
| 40* Dangerous op. of motor vehicle         | 19           | 122           | 214            | 920            | 1,223         | 4            |
| 41* Fail to stop at scene of accident      | 18           | 43            | 425            | 761            | 352           | 3            |
| 42* Driving while disqualified             | 46           | 331           | 934            | 2,433          | 3,221         | 15           |
| 43 Other motor vehicle offences            | 6            | 20            | 40             | 110            | 27            | 17           |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |              |               |                |                |               |              |
| 44 Procuring for prostitution              | –            | –             | 15             | 21             | 8             | –            |
| 45 Keeping common bawdy–house              | –            | –             | 73             | 29             | 5             | –            |
| 46 Soliciting / obtaining services         | –            | –             | 51             | 3,283          | 1,973         | –            |
| 47 Indecent acts/exposure                  | 4            | 57            | 319            | 1,148          | 251           | 1            |
| 48 Gaming and betting offences             | 2            | 7             | 222            | 462            | 25            | –            |
| 49 Other morals offences                   | –            | 6             | 319            | 244            | 11            | –            |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |              |               |                |                |               |              |
| 50 Obstructing justice                     | –            | 7             | 59             | 270            | 52            | –            |
| 51* Providing false info. to peace officer | 8            | 124           | 398            | 933            | 431           | 4            |
| 52* Obstructing peace officer              | 20           | 190           | 1,197          | 1,840          | 1,845         | 19           |
| 53* Escape custody                         | 4            | 24            | 279            | 309            | 342           | 2            |
| 54* Unlawfully at large                    | 10           | 50            | 1,607          | 696            | 1,536         | 6            |
| 55 Fail to appear in court                 | 29           | 222           | 5,102          | 9,124          | 6,131         | 55           |
| 56 Fail to comply with probation order     | 52           | 630           | 7,563          | 3,917          | 2,363         | 105          |
| 57 Breach of recognizance                  | 3            | 350           | 56             | 241            | 6             | 17           |
| 58 Other offences against admin. of law    | 11           | 14            | 133            | 1,065          | 95            | 27           |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |              |               |                |                |               |              |
| 59 Causing disturbance, trespassing        | 181          | 573           | 1,148          | 1,974          | 1,346         | 19           |
| 60 All other Criminal Code offences        | 18           | 77            | 1,761          | 1,135          | 465           | 28           |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>2,234</b> | <b>15,172</b> | <b>80,830</b>  | <b>141,012</b> | <b>91,002</b> | <b>1,562</b> |
| <b>OTHER FEDERAL STATUTES</b>              |              |               |                |                |               |              |
| 61 Narcotic Control Act(NCA) – traffick    | 9            | 127           | 1,219          | 2,125          | 1,144         | 17           |
| 62* NCA – possession                       | 60           | 702           | 3,766          | 8,054          | 3,563         | 53           |
| 63 Other NCA offences                      | 1            | 34            | 201            | 343            | 174           | 45           |
| 64 Food and Drugs Act                      | 6            | 28            | 85             | 264            | 182           | 8            |
| 65 Other federal statutes                  | 131          | 1,701         | 14,011         | 26,929         | 1,958         | 12           |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>207</b>   | <b>2,592</b>  | <b>19,282</b>  | <b>37,715</b>  | <b>7,021</b>  | <b>135</b>   |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>2,441</b> | <b>17,764</b> | <b>100,112</b> | <b>178,727</b> | <b>98,023</b> | <b>1,697</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 13. MEDIAN (1) SENTENCE LENGTHS IMPOSED IN SIX JURISDICTIONS,  
ADULT PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)     | Jurisdiction |      |       |       |       |       |
|---------------------------------------|--------------|------|-------|-------|-------|-------|
|                                       | P.E.I.       | N.S. | Que.  | Ont.  | Alta. | Yukon |
|                                       | (in days)    |      |       |       |       |       |
| CRIMINAL CODE OFFENCES                |              |      |       |       |       |       |
| OFFENCES AGAINST THE PERSON           |              |      |       |       |       |       |
| 1 Manslaughter                        | ..           | ..   | 3,525 | 1,260 | ..    | ..    |
| 2 Robbery                             | ..           | 905  | 730   | 540   | 729   | ..    |
| 3 Sexual assault—weapon/bodily harm   | ..           | ..   | 1,260 | 429   | 1,095 | ..    |
| 4* Sexual assault                     | 45           | 135  | 270   | 90    | 180   | 75    |
| 5 Aggravated assault                  | ..           | 365  | 365   | 270   | 180   | ..    |
| 6 Assault with weapon/bodily harm     | 32           | 90   | 90    | 60    | 60    | 60    |
| 7* Assault                            | 15           | 30   | 60    | 30    | 30    | 30    |
| 8* Assaulting peace officer           | ..           | 36   | 30    | 30    | 30    | ..    |
| 9 Forcible confinement                | ..           | ..   | 450   | 300   | 180   | ..    |
| 10* Sexual touching of child under 14 | ..           | 60   | 120   | 90    | 90    | ..    |
| 11 Uttering threats of bodily harm    | 90           | 30   | 90    | 30    | 30    | ..    |
| 12 Harassing/indecent phone calls     | ..           | ..   | 30    | 30    | 25    | ..    |
| 13 Other offences against person      | 17           | 729  | 365   | 60    | 270   | 60    |
| FIREARMS, OTHER WEAPONS               |              |      |       |       |       |       |
| 14 Use of firearm during offence      | ..           | ..   | 365   | 365   | ..    | ..    |
| 15 Careless/dangerous use of firearm  | ..           | 30   | 90    | 45    | 30    | ..    |
| 16* Possession firearms/other weapons | ..           | ..   | 90    | 30    | 38    | ..    |
| 17 Other weapon/explosive offences    | ..           | ..   | 135   | 60    | 53    | ..    |
| OFF. AGAINST PROPERTY, FRAUD          |              |      |       |       |       |       |
| 18 Break and enter                    | 240          | 180  | 240   | 120   | 180   | 90    |
| 19 Possession of break—in instrument  | ..           | ..   | 90    | 60    | 60    | ..    |
| 20 Possession stolen goods > \$1,000  | ..           | 120  | 180   | 90    | 90    | ..    |
| 21* Possession stolen goods < \$1,000 | ..           | 60   | 90    | 30    | 45    | ..    |
| 22 Possession stolen goods – other    | 105          | 45   | 90    | 60    | 90    | 75    |
| 23 Theft over \$1,000                 | ..           | 90   | 180   | 90    | 90    | ..    |
| 24* Theft under \$1,000               | 30           | 30   | 60    | 30    | 30    | 30    |
| 25 Theft – amount unspecified         | ..           | 30   | 75    | 30    | ..    | ..    |
| 26* Theft/forgery of credit card      | ..           | 30   | 90    | 30    | 60    | ..    |
| 27 Forgery                            | 37           | 60   | 180   | 60    | 60    | ..    |
| 28 Personation with intent            | ..           | ..   | 90    | 30    | 30    | ..    |
| 29 Fraud over \$1,000                 | ..           | 135  | 195   | 90    | 90    | ..    |
| 30* Fraud under \$1,000               | ..           | 30   | 90    | 30    | 30    | ..    |
| 31 Fraud – amount unspecified         | ..           | 30   | 60    | 30    | 7     | ..    |
| 32 False pretences                    | 55           | 30   | 90    | 30    | 30    | ..    |
| 33* Mischief – prop. damage > \$1,000 | ..           | 90   | ..    | 30    | 38    | ..    |
| 34* Mischief – prop. damage < \$1,000 | 15           | 30   | 30    | 30    | 30    | 30    |
| 35 Other property, fraud offences     | 30           | 60   | 90    | 60    | 45    | ..    |

\* Represents "hybrid" offence



**TABLE 13. MEDIAN (1) SENTENCE LENGTHS IMPOSED IN SIX JURISDICTIONS,  
ADULT PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)          | Jurisdiction |      |      |      |       |       |
|--|--------------|------|------|------|-------|-------|
|  | P.E.I.       | N.S. | Que. | Ont. | Alta. | Yukon |
|  | (in days)    |      |      |      |       |       |
| MOTOR VEHICLE OFFENCES                     |              |      |      |      |       |       |
| 36 Impaired driving – bodily harm          | ..           | 90   | 90   | 90   | 90    | ..    |
| 37* Impaired driving/over .08              | 4            | 30   | 30   | 21   | 45    | 90    |
| 38* Refuse provide breath/blood sample     | 7            | 30   | 60   | 21   | 60    | 45    |
| 39 Dangerous op. of m.v.–bodily harm       | ..           | ..   | ..   | 90   | 135   | ..    |
| 40* Dangerous op. of motor vehicle         | 25           | 60   | 90   | 60   | 90    | ..    |
| 41* Fail to stop at scene of accident      | ..           | ..   | 60   | 30   | 60    | ..    |
| 42* Driving while disqualified             | 22           | 30   | 30   | 30   | 30    | 30    |
| 43 Other motor vehicle offences            | ..           | ..   | 365  | 30   | 729   | 30    |
| PROSTITUTION / MORAL OFFENCES              |              |      |      |      |       |       |
| 44 Procuring for prostitution              | ..           | ..   | ..   | 135  | ..    | ..    |
| 45 Keeping common bawdy–house              | ..           | ..   | ..   | ..   | ..    | ..    |
| 46 Soliciting / obtaining services         | ..           | ..   | ..   | 10   | 30    | ..    |
| 47 Indecent acts/exposure                  | ..           | 30   | 60   | 15   | 30    | ..    |
| 48 Gaming and betting offences             | ..           | ..   | ..   | ..   | ..    | ..    |
| 49 Other morals offences                   | ..           | ..   | 68   | 2    | ..    | ..    |
| OFFENCES AGAINST ADMIN. OF LAW             |              |      |      |      |       |       |
| 50 Obstructing justice                     | ..           | ..   | 30   | 30   | 90    | ..    |
| 51* Providing false info. to peace officer | ..           | 75   | 50   | 30   | 30    | ..    |
| 52* Obstructing peace officer              | ..           | 21   | 30   | 20   | 30    | 15    |
| 53* Escape custody                         | ..           | 53   | 60   | 30   | 30    | ..    |
| 54* Unlawfully at large                    | ..           | 15   | 16   | 30   | 30    | ..    |
| 55 Fail to appear in court                 | 7            | 15   | 15   | 15   | 1     | 7     |
| 56 Fail to comply with probation order     | 21           | 30   | 30   | 30   | 30    | 21    |
| 57 Breach of recognizance                  | ..           | ..   | ..   | 15   | ..    | ..    |
| 58 Other offences against admin. of law    | ..           | ..   | 90   | 30   | 60    | 15    |
| OTHER CRIMINAL CODE OFFENCES               |              |      |      |      |       |       |
| 59 Causing disturbance, trespassing        | 5            | 30   | 15   | 14   | 1     | ..    |
| 60 All other Criminal Code offences        | 14           | 90   | 180  | 60   | 60    | 45    |
| TOTAL CRIMINAL CODE                        | 14           | 45   | 60   | 30   | 30    | 30    |
| OTHER FEDERAL STATUTES                     |              |      |      |      |       |       |
| 61 Narcotic Control Act(NCA) –traffick     | ..           | 90   | 180  | 90   | 60    | 53    |
| 62* NCA – possession                       | ..           | 15   | 30   | 20   | 30    | ..    |
| 63 Other NCA offences                      | ..           | ..   | 270  | 270  | 90    | 90    |
| 64 Food and Drugs Act                      | ..           | ..   | 90   | 52   | 60    | ..    |
| 65 Other federal statutes                  | 20           | 14   | 30   | 10   | 15    | ..    |
| TOTAL OTHER FEDERAL STAT.                  | 30           | 90   | 90   | 30   | 45    | 45    |
| TOTAL C.C. + OTHER FED. STAT.              | 14           | 45   | 60   | 30   | 30    | 30    |

(1) The median represents the middle value when all values are ordered in terms of magnitude.

(2) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 14. MEDIAN (1) FINE AMOUNTS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)     | Jurisdiction |      |      |      |       |       |
|---------------------------------------|--------------|------|------|------|-------|-------|
|                                       | P.E.I.       | N.S. | Que. | Ont. | Alta. | Yukon |
|                                       | \$           | \$   | \$   | \$   | \$    | \$    |
| <b>CRIMINAL CODE OFFENCES</b>         |              |      |      |      |       |       |
| <b>OFFENCES AGAINST THE PERSON</b>    |              |      |      |      |       |       |
| 1 Manslaughter                        | ..           | ..   | ..   | 400  | ..    | ..    |
| 2 Robbery                             | ..           | ..   | 200  | 250  | 350   | ..    |
| 3 Sexual assault—weapon/bodily harm   | ..           | ..   | ..   | ..   | ..    | ..    |
| 4* Sexual assault                     | ..           | ..   | 300  | 500  | 500   | ..    |
| 5 Aggravated assault                  | ..           | ..   | ..   | 500  | 500   | ..    |
| 6 Assault with weapon/bodily harm     | ..           | 350  | 300  | 500  | 400   | ..    |
| 7* Assault                            | 500          | 200  | 125  | 300  | 250   | 300   |
| 8* Assaulting peace officer           | ..           | 300  | 150  | 350  | 275   | ..    |
| 9 Forcible confinement                | ..           | ..   | ..   | ..   | ..    | ..    |
| 10* Sexual touching of child under 14 | ..           | ..   | 300  | 500  | 600   | ..    |
| 11 Uttering threats of bodily harm    | ..           | 275  | 200  | 300  | 300   | ..    |
| 12 Harassing/indecent phone calls     | ..           | 200  | 100  | 300  | 200   | ..    |
| 13 Other offences against person      | ..           | 275  | 250  | 400  | 500   | ..    |
| <b>FIREARMS, OTHER WEAPONS</b>        |              |      |      |      |       |       |
| 14 Use of firearm during offence      | ..           | ..   | ..   | ..   | ..    | ..    |
| 15 Careless/dangerous use of firearm  | ..           | 275  | 200  | 300  | 300   | 325   |
| 16* Possession firearms/other weapons | ..           | 125  | 100  | 250  | 150   | ..    |
| 17 Other weapon/explosive offences    | ..           | ..   | 100  | 250  | 225   | ..    |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |              |      |      |      |       |       |
| 18 Break and enter                    | 500          | 500  | 250  | 495  | 350   | ..    |
| 19 Possession of break—in instrument  | ..           | ..   | 200  | 325  | 300   | ..    |
| 20 Possession stolen goods > \$1,000  | ..           | 500  | 350  | 500  | 500   | ..    |
| 21* Possession stolen goods < \$1,000 | ..           | 200  | 150  | 250  | 250   | ..    |
| 22 Possession stolen goods — other    | 300          | 225  | 200  | 300  | 325   | ..    |
| 23 Theft over \$1,000                 | ..           | 500  | 300  | 500  | 400   | ..    |
| 24* Theft under \$1,000               | 325          | 100  | 100  | 150  | 150   | 150   |
| 25 Theft — amount unspecified         | ..           | 150  | 100  | 175  | 200   | ..    |
| 26* Theft/forgery of credit card      | ..           | 250  | 150  | 250  | 300   | ..    |
| 27 Forgery                            | 250          | 200  | 100  | 250  | 300   | ..    |
| 28 Personation with intent            | ..           | 150  | 200  | 300  | 300   | ..    |
| 29 Fraud over \$1,000                 | ..           | ..   | 300  | 500  | 500   | ..    |
| 30* Fraud under \$1,000               | ..           | 100  | 100  | 200  | 150   | ..    |
| 31 Fraud — amount unspecified         | ..           | 100  | 50   | 100  | 100   | ..    |
| 32 False pretences                    | 200          | 100  | 100  | 150  | 125   | ..    |
| 33* Mischief — prop. damage > \$1,000 | ..           | 200  | ..   | 250  | 300   | ..    |
| 34* Mischief — prop. damage < \$1,000 | 300          | 100  | 100  | 200  | 200   | 150   |
| 35 Other property, fraud offences     | 500          | 250  | 150  | 300  | 300   | ..    |

\* Represents "hybrid" offence

**TABLE 14. MEDIAN (1) FINE AMOUNTS IMPOSED IN ADULT PROVINCIAL COURT,  
SIX JURISDICTIONS, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)          | Jurisdiction |            |            |            |            |            |
|--|--------------|------------|------------|------------|------------|------------|
|  | P.E.I.       | N.S.       | Que.       | Ont.       | Alta.      | Yukon      |
|  | \$           | \$         | \$         | \$         | \$         | \$         |
| <b>MOTOR VEHICLE OFFENCES</b>              |              |            |            |            |            |            |
| 36 Impaired driving – bodily harm          | ..           | ..         | 1000       | 900        | 750        | ..         |
| 37* Impaired driving/over .08              | 800          | 600        | 300        | 500        | 600        | 600        |
| 38* Refuse provide breath/blood sample     | 900          | 600        | 300        | 400        | 500        | 600        |
| 39 Dangerous op. of m.v. –bodily harm      | ..           | ..         | ..         | 1000       | 750        | ..         |
| 40* Dangerous op. of motor vehicle         | ..           | 600        | 400        | 500        | 500        | ..         |
| 41* Fail to stop at scene of accident      | 1000         | 350        | 300        | 500        | 350        | ..         |
| 42* Driving while disqualified             | 900          | 500        | 500        | 500        | 400        | ..         |
| 43 Other motor vehicle offences            | ..           | 500        | 125        | 350        | 175        | ..         |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |              |            |            |            |            |            |
| 44 Procuring for prostitution              | ..           | ..         | 500        | ..         | ..         | ..         |
| 45 Keeping common bawdy –house             | ..           | ..         | 500        | 400        | ..         | ..         |
| 46 Soliciting / obtaining services         | ..           | ..         | 150        | 125        | 200        | ..         |
| 47 Indecent acts/exposure                  | ..           | 250        | 150        | 200        | 250        | ..         |
| 48 Gaming and betting offences             | ..           | ..         | 200        | 100        | 550        | ..         |
| 49 Other morals offences                   | ..           | ..         | 200        | 250        | ..         | ..         |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |              |            |            |            |            |            |
| 50 Obstructing justice                     | ..           | ..         | 200        | 300        | 500        | ..         |
| 51* Providing false info. to peace officer | ..           | 250        | 200        | 300        | 250        | ..         |
| 52* Obstructing peace officer              | 500          | 200        | 100        | 300        | 200        | ..         |
| 53* Escape custody                         | ..           | ..         | 100        | 300        | 200        | ..         |
| 54* Unlawfully at large                    | ..           | 200        | 100        | 200        | 200        | ..         |
| 55 Fail to appear in court                 | ..           | 113        | 50         | 200        | 100        | 200        |
| 56 Fail to comply with probation order     | 300          | 138        | 100        | 200        | 200        | 200        |
| 57 Breach of recognizance                  | ..           | ..         | ..         | 300        | ..         | ..         |
| 58 Other offences against admin. of law    | ..           | ..         | 100        | 300        | 300        | ..         |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |              |            |            |            |            |            |
| 59 Causing disturbance, trespassing        | 500          | 100        | 100        | 150        | 150        | 250        |
| 60 All other Criminal Code offences        | ..           | 100        | 200        | 250        | 200        | ..         |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>700</b>   | <b>450</b> | <b>300</b> | <b>385</b> | <b>300</b> | <b>500</b> |
| <b>OTHER FEDERAL STATUTES</b>              |              |            |            |            |            |            |
| 61 Narcotic Control Act(NCA) –traffick     | ..           | 750        | 500        | 750        | 500        | ..         |
| 62* NCA – possession                       | 500          | 300        | 125        | 250        | 200        | 150        |
| 63 Other NCA offences                      | ..           | 500        | 300        | 750        | 600        | 150        |
| 64 Food and Drugs Act                      | ..           | 300        | 200        | 300        | 300        | ..         |
| 65 Other federal statutes                  | 350          | 50         | 75         | 79         | 150        | ..         |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>400</b>   | <b>100</b> | <b>100</b> | <b>79</b>  | <b>200</b> | <b>150</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>600</b>   | <b>400</b> | <b>200</b> | <b>250</b> | <b>300</b> | <b>450</b> |

(1) The median represents the middle value when all values are ordered in terms of magnitude.

(2) See Table "A" for standard footnotes and explanation of symbols used in tables.



**TABLE 15A. INCARCERATION RATES IN SIX MAJOR CITIES, ADULT PROVINCIAL COURT  
1991 & 1992 (1)**

| Most Serious Offence (case-based)     | City |     |     |     |     |     |
|---------------------------------------|------|-----|-----|-----|-----|-----|
|                                       | QC   | MTL | OTT | TOR | EDM | CAL |
|                                       | %    | %   | %   | %   | %   | %   |
| <b>CRIMINAL CODE OFFENCES</b>         |      |     |     |     |     |     |
| <b>OFFENCES AGAINST THE PERSON</b>    |      |     |     |     |     |     |
| 1 Manslaughter                        | ..   | ..  | ..  | ..  | ..  | ..  |
| 2 Robbery                             | 81   | 82  | 93  | 90  | 88  | 85  |
| 3 Sexual assault-weapon/bodily harm   | ..   | ..  | ..  | 87  | ..  | ..  |
| 4* Sexual assault                     | 33   | 39  | 43  | 46  | 63  | 53  |
| 5 Aggravated assault                  | ..   | ..  | 88  | 85  | 78  | 87  |
| 6 Assault with weapon/bodily harm     | 32   | 33  | 58  | 66  | 56  | 45  |
| 7* Assault                            | 7    | 19  | 23  | 29  | 23  | 16  |
| 8* Assaulting peace officer           | 12   | 30  | 47  | 61  | 41  | 22  |
| 9 Forcible confinement                | ..   | ..  | ..  | 60  | ..  | ..  |
| 10* Sexual touching of child under 14 | 67   | 49  | 46  | 52  | 55  | 62  |
| 11 Uttering threats of bodily harm    | 30   | 34  | 36  | 40  | 39  | 34  |
| 12 Harassing/indecent phone calls     | 17   | 23  | ..  | 10  | 7   | 11  |
| 13 Other offences against person      | 21   | 37  | 67  | 56  | 58  | 61  |
| <b>FIREARMS, OTHER WEAPONS</b>        |      |     |     |     |     |     |
| 14 Use of firearm during offence      | ..   | ..  | ..  | ..  | ..  | ..  |
| 15 Careless/dangerous use of firearm  | 7    | 33  | 40  | 41  | 52  | 42  |
| 16* Possession firearms/other weapons | 14   | 20  | 54  | 50  | 26  | 24  |
| 17 Other weapon/explosive offences    | ..   | ..  | ..  | 26  | 8   | 54  |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |      |     |     |     |     |     |
| 18 Break and enter                    | 67   | 64  | 73  | 78  | 76  | 65  |
| 19 Possession of break-in instrument  | ..   | 42  | 40  | 64  | 70  | 78  |
| 20 Possession stolen goods > \$1,000  | 46   | 35  | 53  | 51  | 78  | 70  |
| 21* Possession stolen goods < \$1,000 | 38   | 45  | 28  | 30  | 36  | 34  |
| 22 Possession stolen goods - other    | ..   | 23  | 39  | 45  | ..  | 74  |
| 23 Theft over \$1,000                 | 43   | 48  | 32  | 55  | 69  | 66  |
| 24* Theft under \$1,000               | 20   | 49  | 16  | 22  | 22  | 16  |
| 25 Theft - amount unspecified         | 30   | 31  | ..  | 24  | 6   | 40  |
| 26* Theft/forgery of credit card      | 25   | 27  | 27  | 32  | 44  | 40  |
| 27 Forgery                            | 42   | 46  | 35  | 42  | 60  | 63  |
| 28 Personation with intent            | 27   | 38  | 33  | 55  | 68  | 58  |
| 29 Fraud over \$1,000                 | 47   | 33  | 35  | 41  | 64  | 65  |
| 30* Fraud under \$1,000               | 36   | 38  | 24  | 23  | 17  | 23  |
| 31 Fraud - amount unspecified         | 31   | 48  | 29  | 28  | 18  | 16  |
| 32 False pretences                    | 31   | 42  | 16  | 27  | 36  | 34  |
| 33* Mischief - prop. damage > \$1,000 | ..   | ..  | 19  | 32  | ..  | ..  |
| 34* Mischief - prop. damage < \$1,000 | 17   | 28  | 19  | 23  | 19  | 14  |
| 35 Other property, fraud offences     | 30   | 33  | 32  | 40  | 41  | 27  |

\* Represents "hybrid" offence

**TABLE 15A. INCARCERATION RATES IN SIX MAJOR CITIES, ADULT PROVINCIAL COURT  
1991 & 1992 (1)**

| Most Serious Offence (case-based)          | City      |           |           |           |           |           |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
|  | QC        | MTL       | OTT       | TOR       | EDM       | CAL       |
|  | %         | %         | %         | %         | %         | %         |
| <b>MOTOR VEHICLE OFFENCES</b>              |           |           |           |           |           |           |
| 36 Impaired driving – bodily harm          | ..        | ..        | 71        | 71        | 78        | 47        |
| 37* Impaired driving/over .08              | 6         | 5         | 22        | 18        | 23        | 13        |
| 38* Refuse provide breath/blood sample     | 14        | 6         | 33        | 16        | 25        | 13        |
| 39 Dangerous op. of m.v. – bodily harm     | ..        | ..        | 60        | ..        | 62        | 53        |
| 40* Dangerous op. of motor vehicle         | 20        | 21        | 38        | 48        | 37        | 18        |
| 41* Fail to stop at scene of accident      | 3         | 11        | 41        | 26        | 21        | 6         |
| 42* Driving while disqualified             | 58        | 23        | 58        | 47        | 52        | 34        |
| 43 Other motor vehicle offences            | ..        | ..        | ..        | ..        | ..        | ..        |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |           |           |           |           |           |           |
| 44 Procuring for prostitution              | –         | ..        | ..        | 45        | ..        | ..        |
| 45 Keeping common bawdy-house              | 12        | ..        | ..        | 38        | ..        | ..        |
| 46 Soliciting / obtaining services         | 23        | ..        | 11        | 20        | 13        | 4         |
| 47 Indecent acts/exposure                  | 16        | 33        | 14        | 16        | 15        | 10        |
| 48 Gaming and betting offences             | 2         | –         | ..        | 1         | –         | ..        |
| 49 Other morals offences                   | 9         | 4         | ..        | 15        | ..        | ..        |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |           |           |           |           |           |           |
| 50 Obstructing justice                     | ..        | ..        | ..        | 73        | 76        | ..        |
| 51* Providing false info. to peace officer | 4         | 14        | 18        | 20        | 12        | 10        |
| 52* Obstructing peace officer              | 18        | 35        | 29        | 41        | 27        | 21        |
| 53* Escape custody                         | ..        | 95        | 76        | 84        | 82        | 41        |
| 54* Unlawfully at large                    | 95        | 90        | 100       | 82        | 88        | 87        |
| 55 Fail to appear in court                 | 27        | 52        | 56        | 65        | 32        | 35        |
| 56 Fail to comply with probation order     | 54        | 37        | 49        | 61        | 35        | 49        |
| 57 Breach of recognizance                  | –         | ..        | –         | ..        | ..        | ..        |
| 58 Other offences against admin. of law    | 8         | 52        | 69        | 63        | 26        | 53        |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |           |           |           |           |           |           |
| 59 Causing disturbance, trespassing        | 19        | 28        | 11        | 16        | 7         | 14        |
| 60 All other Criminal Code offences        | 32        | 49        | 38        | 43        | 64        | 52        |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>25</b> | <b>42</b> | <b>31</b> | <b>35</b> | <b>33</b> | <b>25</b> |
| <b>OTHER FEDERAL STATUTES</b>              |           |           |           |           |           |           |
| 61 Narcotic Control Act(NCA) – traffick    | 80        | 69        | 73        | 93        | 92        | 78        |
| 62* NCA – possession                       | 12        | 13        | 20        | 42        | 14        | 11        |
| 63 Other NCA offences                      | 59        | 30        | ..        | 46        | 79        | 70        |
| 64 Food and Drugs Act                      | ..        | 5         | 40        | 34        | 49        | 58        |
| 65 Other federal statutes                  | –         | 4         | –         | 11        | 16        | 14        |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>3</b>  | <b>17</b> | <b>1</b>  | <b>49</b> | <b>33</b> | <b>29</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>18</b> | <b>37</b> | <b>9</b>  | <b>36</b> | <b>33</b> | <b>26</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 15B. NUMBER OF CASES BY OFFENCE GROUP BY MAJOR CITY,  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)     | City   |          |        |         |       |         |
|---------------------------------------|--------|----------|--------|---------|-------|---------|
|                                       | Quebec | Montreal | Ottawa | Toronto | Edm.  | Calgary |
|                                       | #      | #        | #      | #       | #     | #       |
| <b>CRIMINAL CODE OFFENCES</b>         |        |          |        |         |       |         |
| <b>OFFENCES AGAINST THE PERSON</b>    |        |          |        |         |       |         |
| 1 Manslaughter                        | 2      | 4        | 5      | 7       | 2     | 2       |
| 2 Robbery                             | 48     | 221      | 95     | 390     | 209   | 151     |
| 3 Sexual assault—weapon/bodily harm   | —      | 9        | 5      | 15      | 9     | 6       |
| 4* Sexual assault                     | 15     | 44       | 47     | 176     | 80    | 70      |
| 5 Aggravated assault                  | 1      | 7        | 16     | 47      | 68    | 38      |
| 6 Assault with weapon/bodily harm     | 47     | 147      | 130    | 496     | 536   | 327     |
| 7* Assault                            | 571    | 399      | 734    | 4,467   | 1,959 | 1,357   |
| 8* Assaulting peace officer           | 41     | 114      | 32     | 394     | 138   | 138     |
| 9 Forcible confinement                | 1      | 2        | 3      | 10      | 8     | 5       |
| 10* Sexual touching of child under 14 | 12     | 35       | 26     | 60      | 44    | 34      |
| 11 Uttering threats of bodily harm    | 83     | 233      | 59     | 290     | 161   | 117     |
| 12 Harassing/indecent phone calls     | 60     | 44       | 6      | 73      | 56    | 53      |
| 13 Other offences against person      | 29     | 41       | 79     | 211     | 38    | 28      |
| <b>FIREARMS, OTHER WEAPONS</b>        |        |          |        |         |       |         |
| 14 Use of firearm during offence      | 2      | 6        | 1      | 9       | —     | —       |
| 15 Careless/dangerous use of firearm  | 14     | 39       | 42     | 222     | 190   | 118     |
| 16* Possession firearms/other weapons | 21     | 87       | 37     | 476     | 110   | 144     |
| 17 Other weapon/explosive offences    | 2      | 9        | 2      | 27      | 25    | 13      |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |        |          |        |         |       |         |
| 18 Break and enter                    | 157    | 397      | 222    | 1,084   | 875   | 657     |
| 19 Possession of break—in instrument  | 4      | 36       | 15     | 50      | 54    | 23      |
| 20 Possession stolen goods > \$1,000  | 54     | 167      | 131    | 349     | 466   | 309     |
| 21* Possession stolen goods < \$1,000 | 135    | 212      | 124    | 695     | 639   | 344     |
| 22 Possession stolen goods — other    | 9      | 22       | 31     | 394     | 7     | 19      |
| 23 Theft over \$1,000                 | 127    | 328      | 84     | 373     | 363   | 266     |
| 24* Theft under \$1,000               | 2,494  | 1,376    | 1,226  | 6,065   | 5,968 | 4,160   |
| 25 Theft — amount unspecified         | 44     | 32       | 9      | 1,288   | 18    | 10      |
| 26* Theft/forgery of credit card      | 57     | 244      | 84     | 588     | 299   | 222     |
| 27 Forgery                            | 36     | 214      | 31     | 179     | 281   | 197     |
| 28 Personation with intent            | 48     | 64       | 12     | 65      | 72    | 33      |
| 29 Fraud over \$1,000                 | 30     | 80       | 62     | 411     | 199   | 155     |
| 30* Fraud under \$1,000               | 385    | 254      | 94     | 760     | 336   | 408     |
| 31 Fraud — amount unspecified         | 13     | 29       | 17     | 249     | 150   | 73      |
| 32 False pretences                    | 26     | 135      | 61     | 230     | 186   | 219     |
| 33* Mischief — prop. damage > \$1,000 | —      | 3        | 31     | 570     | 1     | 3       |
| 34* Mischief — prop. damage < \$1,000 | 357    | 510      | 177    | 895     | 1,118 | 743     |
| 35 Other property, fraud offences     | 56     | 91       | 63     | 385     | 63    | 81      |

\* Represents "hybrid" offence



**TABLE 15B. NUMBER OF CASES BY OFFENCE GROUP BY MAJOR CITY,  
ADULT PROVINCIAL COURT, 1991 & 1992 (1)**

| Most Serious Offence (Case-based)          | City          |               |               |               |               |               |
|--|---------------|---------------|---------------|---------------|---------------|---------------|
|  | Quebec        | Montreal      | Ottawa        | Toronto       | Edm.          | Calgary       |
|  | #             | #             | #             | #             | #             | #             |
| <b>MOTOR VEHICLE OFFENCES</b>              |               |               |               |               |               |               |
| 36 Impaired driving – bodily harm          | 6             | 4             | 14            | 17            | 18            | 38            |
| 37* Impaired driving/over .08              | 2,271         | 1,282         | 1,263         | 4,503         | 5,449         | 4,641         |
| 38* Refuse provide breath/blood sample     | 44            | 47            | 66            | 232           | 887           | 315           |
| 39 Dangerous op. of m.v. –bodily harm      | –             | 1             | 10            | 8             | 13            | 17            |
| 40* Dangerous op. of motor vehicle         | 10            | 19            | 37            | 225           | 158           | 202           |
| 41* Fail to stop at scene of accident      | 34            | 47            | 29            | 125           | 52            | 193           |
| 42* Driving while disqualified             | 90            | 74            | 64            | 304           | 929           | 434           |
| 43 Other motor vehicle offences            | 3             | 3             | 3             | 5             | 1             | 5             |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |               |               |               |               |               |               |
| 44 Procuring for prostitution              | 10            | 1             | 1             | 11            | 3             | 4             |
| 45 Keeping common bawdy –house             | 17            | 2             | 2             | 16            | –             | 4             |
| 46 Soliciting / obtaining services         | 13            | 2             | 154           | 2,565         | 788           | 1,162         |
| 47 Indecent acts/exposure                  | 51            | 15            | 35            | 719           | 109           | 67            |
| 48 Gaming and betting offences             | 48            | 57            | 5             | 349           | 13            | 8             |
| 49 Other morals offences                   | 34            | 23            | 5             | 160           | 2             | 4             |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |               |               |               |               |               |               |
| 50 Obstructing justice                     | 4             | 9             | 9             | 157           | 25            | 9             |
| 51* Providing false info. to peace officer | 51            | 37            | 33            | 195           | 113           | 88            |
| 52* Obstructing peace officer              | 73            | 299           | 95            | 520           | 505           | 440           |
| 53* Escape custody                         | 9             | 87            | 21            | 97            | 182           | 39            |
| 54* Unlawfully at large                    | 164           | 829           | 40            | 360           | 765           | 363           |
| 55 Fail to appear in court                 | 362           | 1,168         | 272           | 2,959         | 1,602         | 2,107         |
| 56 Fail to comply with probation order     | 1,315         | 721           | 128           | 849           | 642           | 317           |
| 57 Breach of recognizance                  | 30            | 5             | 147           | 8             | –             | –             |
| 58 Other offences against admin. of law    | 12            | 21            | 32            | 478           | 23            | 15            |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |               |               |               |               |               |               |
| 59 Causing disturbance, trespassing        | 48            | 71            | 27            | 271           | 282           | 342           |
| 60 All other Criminal Code offences        | 139           | 412           | 173           | 233           | 157           | 97            |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>9,819</b>  | <b>10,871</b> | <b>6,458</b>  | <b>37,366</b> | <b>27,446</b> | <b>21,434</b> |
| <b>OTHER FEDERAL STATUTES</b>              |               |               |               |               |               |               |
| 61 Narcotic Control Act(NCA) –traffick     | 86            | 327           | 151           | 927           | 435           | 306           |
| 62* NCA – possession                       | 277           | 1,658         | 271           | 2,703         | 1,118         | 655           |
| 63 Other NCA offences                      | 17            | 23            | 7             | 28            | 19            | 77            |
| 64 Food and Drugs Act                      | 9             | 21            | 10            | 35            | 49            | 36            |
| 65 Other federal statutes                  | 4,035         | 769           | 16,309        | 557           | 430           | 466           |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>4,424</b>  | <b>2,798</b>  | <b>16,748</b> | <b>4,250</b>  | <b>2,051</b>  | <b>1,540</b>  |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>14,243</b> | <b>13,669</b> | <b>23,206</b> | <b>41,616</b> | <b>29,497</b> | <b>22,974</b> |

(1) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 16. MEDIAN (1) SENTENCE LENGTHS IMPOSED IN SIX MAJOR CITIES,  
ADULT PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)     | ADULT PROVINCIAL COURT, 1991 & 1992 (2) |     |     |     |     |     |
|---------------------------------------|---|-----|-----|-----|-----|-----|
|                                       | City<br>QC                              | MTL | OTT | TOR | EDM | CAL |
|                                       | (in days)                               |     |     |     |     |     |
| CRIMINAL CODE OFFENCES                |   |     |     |     |     |     |
| OFFENCES AGAINST THE PERSON           |   |     |     |     |     |     |
| 1 Manslaughter                        | ..                                      | ..  | ..  | ..  | ..  | ..  |
| 2 Robbery                             | 730                                     | 730 | 408 | 510 | 730 | 729 |
| 3 Sexual assault—weapon/bodily harm   | ..                                      | ..  | ..  | 365 | ..  | ..  |
| 4* Sexual assault                     | ..                                      | 270 | 150 | 60  | 318 | 90  |
| 5 Aggravated assault                  | ..                                      | ..  | 360 | 270 | 180 | 90  |
| 6 Assault with weapon/bodily harm     | 180                                     | 35  | 75  | 60  | 60  | 30  |
| 7* Assault                            | 90                                      | 30  | 30  | 21  | 30  | 30  |
| 8* Assaulting peace officer           | ..                                      | 15  | 40  | 30  | 30  | 1   |
| 9 Forcible confinement                | ..                                      | ..  | ..  | ..  | ..  | ..  |
| 10* Sexual touching of child under 14 | ..                                      | 120 | 105 | 90  | 90  | 180 |
| 11 Uttering threats of bodily harm    | 90                                      | 30  | 90  | 30  | 60  | 2   |
| 12 Harassing/indecent phone calls     | 165                                     | 22  | ..  | ..  | ..  | ..  |
| 13 Other offences against person      | ..                                      | 180 | 120 | 75  | 365 | 729 |
| FIREARMS, OTHER WEAPONS               |   |     |     |     |     |     |
| 14 Use of firearm during offence      | ..                                      | ..  | ..  | ..  | ..  | ..  |
| 15 Careless/dangerous use of firearm  | ..                                      | 30  | 90  | 30  | 30  | 6   |
| 16* Possession firearms/other weapons | ..                                      | 60  | 60  | 30  | 60  | 30  |
| 17 Other weapon/explosive offences    | ..                                      | ..  | ..  | ..  | ..  | ..  |
| OFF. AGAINST PROPERTY, FRAUD          |   |     |     |     |     |     |
| 18 Break and enter                    | 300                                     | 180 | 180 | 120 | 180 | 120 |
| 19 Possession of break—in instrument  | ..                                      | 90  | ..  | 30  | 30  | 105 |
| 20 Possession stolen goods > \$1,000  | 180                                     | 120 | 90  | 60  | 120 | 90  |
| 21* Possession stolen goods < \$1,000 | 90                                      | 90  | 30  | 30  | 60  | 30  |
| 22 Possession stolen goods – other    | ..                                      | ..  | 75  | 30  | ..  | 165 |
| 23 Theft over \$1,000                 | 180                                     | 120 | 90  | 60  | 120 | 60  |
| 24* Theft under \$1,000               | 90                                      | 60  | 30  | 30  | 30  | 30  |
| 25 Theft – amount unspecified         | 45                                      | 105 | ..  | 21  | ..  | ..  |
| 26* Theft/forgery of credit card      | 210                                     | 60  | 60  | 30  | 60  | 60  |
| 27 Forgery                            | 180                                     | 135 | 30  | 45  | 60  | 45  |
| 28 Personation with intent            | 120                                     | 30  | ..  | 30  | 30  | 10  |
| 29 Fraud over \$1,000                 | 318                                     | 318 | 90  | 90  | 120 | 120 |
| 30* Fraud under \$1,000               | 120                                     | 90  | 30  | 30  | 60  | 30  |
| 31 Fraud – amount unspecified         | ..                                      | 30  | ..  | 14  | 10  | 6   |
| 32 False pretences                    | ..                                      | 120 | 22  | 30  | 30  | 45  |
| 33* Mischief – prop. damage > \$1,000 | ..                                      | ..  | ..  | 30  | ..  | ..  |
| 34* Mischief – prop. damage < \$1,000 | 60                                      | 30  | 15  | 15  | 30  | 30  |
| 35 Other property, fraud offences     | 180                                     | 90  | 135 | 35  | 5   | 90  |

\* Represents "hybrid" offence

**TABLE 16. MEDIAN (1) SENTENCE LENGTHS IMPOSED IN SIX MAJOR CITIES,  
ADULT PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)          | City |     |     |     |     |     |
|--|------|-----|-----|-----|-----|-----|
|  | QC   | MTL | OTT | TOR | EDM | CAL |
| (in days)                                  |      |     |     |     |     |     |
| MOTOR VEHICLE OFFENCES                     |      |     |     |     |     |     |
| 36 Impaired driving – bodily harm          | ..   | ..  | 90  | 90  | 120 | 75  |
| 37* Impaired driving/over .08              | 30   | 30  | 21  | 21  | 90  | 30  |
| 38* Refuse provide breath/blood sample     | ..   | ..  | 21  | 14  | 90  | 30  |
| 39 Dangerous op. of m.v.–bodily harm       | ..   | ..  | ..  | ..  | ..  | ..  |
| 40* Dangerous op. of motor vehicle         | ..   | ..  | 90  | 60  | 90  | 90  |
| 41* Fail to stop at scene of accident      | ..   | ..  | 38  | 15  | 45  | 45  |
| 42* Driving while disqualified             | 90   | 60  | 20  | 30  | 45  | 30  |
| 43 Other motor vehicle offences            | ..   | ..  | 90  | ..  | ..  | ..  |
| PROSTITUTION / MORAL OFFENCES              |      |     |     |     |     |     |
| 44 Procuring for prostitution              | ..   | ..  | ..  | ..  | ..  | ..  |
| 45 Keeping common bawdy–house              | ..   | ..  | ..  | ..  | ..  | ..  |
| 46 Soliciting / obtaining services         | ..   | ..  | 14  | 7   | 30  | 1   |
| 47 Indecent acts/exposure                  | ..   | ..  | ..  | 7   | 43  | ..  |
| 48 Gaming and betting offences             | ..   | ..  | ..  | ..  | ..  | ..  |
| 49 Other morals offences                   | ..   | ..  | ..  | 1   | ..  | ..  |
| OFFENCES AGAINST ADMIN. OF LAW             |      |     |     |     |     |     |
| 50 Obstructing justice                     | ..   | ..  | ..  | 30  | 120 | ..  |
| 51* Providing false info. to peace officer | ..   | ..  | ..  | 30  | 60  | ..  |
| 52* Obstructing peace officer              | 90   | 15  | 30  | 15  | 30  | 10  |
| 53* Escape custody                         | ..   | 60  | 38  | 30  | 30  | 30  |
| 54* Unlawfully at large                    | 15   | 30  | 45  | 30  | 30  | 30  |
| 55 Fail to appear in court                 | 60   | 7   | 21  | 14  | 10  | 1   |
| 56 Fail to comply with probation order     | 60   | 15  | 30  | 20  | 30  | 14  |
| 57 Breach of recognizance                  | ..   | ..  | ..  | ..  | ..  | ..  |
| 58 Other offences against admin. of law    | ..   | 32  | 30  | 30  | ..  | ..  |
| OTHER CRIMINAL CODE OFFENCES               |      |     |     |     |     |     |
| 59 Causing disturbance, trespassing        | ..   | 11  | ..  | 1   | 1   | 1   |
| 60 All other Criminal Code offences        | 120  | 180 | 60  | 60  | 90  | 60  |
| TOTAL CRIMINAL CODE                        | 90   | 30  | 30  | 30  | 45  | 30  |
| OTHER FEDERAL STATUTES                     |      |     |     |     |     |     |
| 61 Narcotic Control Act(NCA) –traffick     | 180  | 90  | 90  | 120 | 90  | 60  |
| 62* NCA – possession                       | 30   | 15  | 25  | 15  | 30  | 21  |
| 63 Other NCA offences                      | 590  | ..  | ..  | 75  | 180 | 90  |
| 64 Food and Drugs Act                      | ..   | ..  | ..  | 30  | 75  | 30  |
| 65 Other federal statutes                  | 30   | 15  | 30  | 30  | 20  | 5   |
| TOTAL OTHER FEDERAL STAT.                  | 90   | 30  | 60  | 30  | 60  | 30  |
| TOTAL C.C. + OTHER FED. STAT.              | 90   | 30  | 40  | 30  | 45  | 30  |

(1) The median represents the middle value when all values are ordered in terms of magnitude.

(2) See Table "A" for standard footnotes and explanation of symbols used in tables.



**TABLE 17. MEDIAN (1) FINE AMOUNTS IMPOSED IN SIX MAJOR CITIES, ADULT  
PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)     | City |     |     |     |     |     |
|---------------------------------------|------|-----|-----|-----|-----|-----|
|                                       | QC   | MTL | OTT | TOR | EDM | CAL |
|                                       | \$   | \$  | \$  | \$  | \$  | \$  |
| <b>CRIMINAL CODE OFFENCES</b>         |      |     |     |     |     |     |
| <b>OFFENCES AGAINST THE PERSON</b>    |      |     |     |     |     |     |
| 1 Manslaughter                        | ..   | ..  | ..  | ..  | ..  | ..  |
| 2 Robbery                             | ..   | ..  | ..  | ..  | 300 | 400 |
| 3 Sexual assault—weapon/bodily harm   | ..   | ..  | ..  | ..  | 500 | ..  |
| 4* Sexual assault                     | ..   | 250 | ..  | 500 | ..  | 400 |
| 5 Aggravated assault                  | ..   | ..  | ..  | ..  | ..  | 400 |
| 6 Assault with weapon/bodily harm     | 275  | 300 | 375 | 400 | 350 | 350 |
| 7* Assault                            | 125  | 200 | 250 | 300 | 250 | 250 |
| 8* Assaulting peace officer           | 150  | 150 | ..  | 300 | 250 | 250 |
| 9 Forcible confinement                | ..   | ..  | ..  | ..  | ..  | ..  |
| 10* Sexual touching of child under 14 | ..   | ..  | ..  | ..  | ..  | ..  |
| 11 Uttering threats of bodily harm    | 200  | 225 | ..  | 350 | 250 | 250 |
| 12 Harassing/indecent phone calls     | 150  | ..  | ..  | 300 | 200 | 200 |
| 13 Other offences against person      | 300  | 400 | 375 | 300 | ..  | ..  |
| <b>FIREARMS, OTHER WEAPONS</b>        |      |     |     |     |     |     |
| 14 Use of firearm during offence      | ..   | ..  | ..  | ..  | ..  | ..  |
| 15 Careless/dangerous use of firearm  | ..   | 200 | 200 | 450 | 350 | 300 |
| 16* Possession firearms/other weapons | 113  | 200 | 225 | 250 | 250 | 250 |
| 17 Other weapon/explosive offences    | ..   | ..  | ..  | ..  | 150 | ..  |
| <b>OFF. AGAINST PROPERTY, FRAUD</b>   |      |     |     |     |     |     |
| 18 Break and enter                    | 250  | 350 | 400 | 500 | 300 | 400 |
| 19 Possession of break—in instrument  | ..   | ..  | ..  | 325 | 250 | ..  |
| 20 Possession stolen goods > \$1,000  | 300  | 500 | 450 | 460 | 700 | 500 |
| 21* Possession stolen goods < \$1,000 | 150  | 200 | 200 | 200 | 200 | 200 |
| 22 Possession stolen goods – other    | ..   | 300 | ..  | 300 | ..  | ..  |
| 23 Theft over \$1,000                 | 300  | 300 | 300 | 400 | 450 | 500 |
| 24* Theft under \$1,000               | 75   | 200 | 100 | 150 | 150 | 150 |
| 25 Theft – amount unspecified         | 125  | 300 | ..  | 150 | 250 | ..  |
| 26* Theft/forgery of credit card      | 88   | 200 | 200 | 250 | 300 | 300 |
| 27 Forgery                            | 100  | 250 | 190 | 325 | 300 | 350 |
| 28 Personation with intent            | 200  | 200 | ..  | ..  | 300 | 250 |
| 29 Fraud over \$1,000                 | ..   | 500 | ..  | 500 | 750 | 500 |
| 30* Fraud under \$1,000               | 100  | 200 | 200 | 200 | 150 | 200 |
| 31 Fraud – amount unspecified         | ..   | ..  | ..  | 100 | 75  | 100 |
| 32 False pretences                    | 50   | 250 | 100 | 250 | 100 | 150 |
| 33* Mischief – prop. damage > \$1,000 | ..   | ..  | ..  | 225 | ..  | ..  |
| 34* Mischief – prop. damage < \$1,000 | 100  | 150 | 193 | 200 | 150 | 200 |
| 35 Other property, fraud offences     | 175  | 250 | 275 | 300 | 400 | 325 |

\* Represents "hybrid" offence

**TABLE 17. MEDIAN (1) FINE AMOUNTS IMPOSED IN SIX MAJOR CITIES, ADULT  
PROVINCIAL COURT, 1991 & 1992 (2)**

| Most Serious Offence (Case-based)          | City       |            |            |            |            |            |
|--|------------|------------|------------|------------|------------|------------|
|  | QC         | MTL        | OTT        | TOR        | EDM        | CAL        |
|  | \$         | \$         | \$         | \$         | \$         | \$         |
| <b>MOTOR VEHICLE OFFENCES</b>              |            |            |            |            |            |            |
| 36 Impaired driving – bodily harm          | ..         | ..         | ..         | ..         | ..         | 650        |
| 37* Impaired driving/over .08              | 300        | 325        | 475        | 450        | 500        | 500        |
| 38* Refuse provide breath/blood sample     | 300        | 300        | 400        | 300        | 500        | 500        |
| 39 Dangerous op. of m.v. –bodily harm      | ..         | ..         | ..         | ..         | ..         | ..         |
| 40* Dangerous op. of motor vehicle         | ..         | 450        | 500        | 500        | 500        | 350        |
| 41* Fail to stop at scene of accident      | 300        | 300        | 500        | 400        | 400        | 300        |
| 42* Driving while disqualified             | 500        | 300        | 400        | 500        | 350        | 350        |
| 43 Other motor vehicle offences            | ..         | ..         | ..         | ..         | ..         | ..         |
| <b>PROSTITUTION / MORAL OFFENCES</b>       |            |            |            |            |            |            |
| 44 Procuring for prostitution              | 450        | ..         | ..         | ..         | ..         | ..         |
| 45 Keeping common bawdy –house             | 500        | ..         | ..         | ..         | ..         | ..         |
| 46 Soliciting / obtaining services         | ..         | ..         | 100        | 100        | 250        | 200        |
| 47 Indecent acts/exposure                  | 150        | ..         | ..         | 100        | 250        | 250        |
| 48 Gaming and betting offences             | 400        | 100        | ..         | 100        | ..         | ..         |
| 49 Other morals offences                   | 300        | 250        | ..         | 300        | ..         | ..         |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>      |            |            |            |            |            |            |
| 50 Obstructing justice                     | ..         | ..         | ..         | 200        | ..         | ..         |
| 51* Providing false info. to peace officer | 200        | 400        | 300        | 400        | 250        | 250        |
| 52* Obstructing peace officer              | 150        | 150        | 223        | 250        | 150        | 150        |
| 53* Escape custody                         | ..         | ..         | ..         | ..         | 250        | 200        |
| 54* Unlawfully at large                    | ..         | 75         | ..         | 200        | 200        | 200        |
| 55 Fail to appear in court                 | 25         | 100        | 100        | 189        | 100        | 100        |
| 56 Fail to comply with probation order     | 75         | 100        | 200        | 200        | 150        | 200        |
| 57 Breach of recognizance                  | ..         | ..         | ..         | ..         | ..         | ..         |
| 58 Other offences against admin. of law    | ..         | ..         | ..         | 250        | 400        | ..         |
| <b>OTHER CRIMINAL CODE OFFENCES</b>        |            |            |            |            |            |            |
| 59 Causing disturbance, trespassing        | 75         | 100        | 100        | 150        | 100        | 150        |
| 60 All other Criminal Code offences        | 190        | 250        | 200        | 300        | 300        | 300        |
| <b>TOTAL CRIMINAL CODE</b>                 | <b>200</b> | <b>300</b> | <b>300</b> | <b>300</b> | <b>300</b> | <b>250</b> |
| <b>OTHER FEDERAL STATUTES</b>              |            |            |            |            |            |            |
| 61 Narcotic Control Act(NCA) –traffick     | 500        | 500        | 550        | 725        | 500        | 400        |
| 62* NCA – possession                       | 100        | 100        | 250        | 300        | 200        | 250        |
| 63 Other NCA offences                      | ..         | ..         | ..         | ..         | ..         | 500        |
| 64 Food and Drugs Act                      | ..         | 300        | ..         | 400        | 275        | 400        |
| 65 Other federal statutes                  | 40         | 262        | 41         | 100        | 150        | 125        |
| <b>TOTAL OTHER FEDERAL STAT.</b>           | <b>40</b>  | <b>150</b> | <b>50</b>  | <b>250</b> | <b>200</b> | <b>200</b> |
| <b>TOTAL C.C. + OTHER FED. STAT.</b>       | <b>100</b> | <b>200</b> | <b>79</b>  | <b>300</b> | <b>250</b> | <b>250</b> |

(1) The median represents the middle value when all values are ordered in terms of magnitude.

(2) See Table "A" for standard footnotes and explanation of symbols used in tables.

**TABLE 18. COMPARISON OF SENTENCES IMPOSED ON HYBRID—SUMMARY AND HYBRID—INDICTABLE OFFENCES, ADULT PROVINCIAL COURT, FOUR JURISDICTIONS, 1991 AND 1992 (1)**

| Hybrid Offence (Case-based)            | No. of Convictions (2) | Incarceration Rate |             | No. of (2) Incarceral Sentences | Median Sent. Length(3) |             |
|--|------------------------|--------------------|-------------|---------------------------------|------------------------|-------------|
|  |                        | Sum—mary           | Indic—table |                                 | Sum—mary               | Indic—table |
|  | #                      | %                  | %           | #                               | # days                 | # days      |
| Sexual assault                         | 403                    | 21                 | 69          | 213                             | 60                     | 240         |
| Assault                                | 7,236                  | 8                  | 25          | 855                             | 30                     | 60          |
| Assaulting peace officer               | 644                    | 18                 | 26          | 120                             | 30                     | 60          |
| Sexual touching of child under 14      | 264                    | 45                 | 62          | 138                             | 90                     | 180         |
| Possession firearms/other weapons      | 419                    | 6                  | 29          | 52                              | 30                     | 90          |
| Possession stolen goods < \$1,000      | 1,167                  | 12                 | 41          | 310                             | 60                     | 90          |
| Theft under \$1,000                    | 11,953                 | 9                  | 44          | 2,325                           | 30                     | 90          |
| Theft/forgery of credit card           | 515                    | 28                 | 39          | 138                             | 90                     | 180         |
| Fraud under \$1,000                    | 2,460                  | 16                 | 39          | 714                             | 60                     | 120         |
| Mischief — prop. damage > \$1,000      | 111                    | 11                 | 29          | 22                              | ..                     | 30          |
| Mischief — prop. damage < \$1,000      | 4,298                  | 11                 | 28          | 600                             | 30                     | 60          |
| Impaired driving/over .08              | 24,738                 | 9                  | 47          | 2,136                           | 28                     | 90          |
| Refuse provide breath/blood sample     | 1,769                  | 18                 | 35          | 285                             | 20                     | 105         |
| Dangerous op. of motor vehicle         | 359                    | 20                 | 50          | 91                              | 60                     | 105         |
| Fail to stop at scene of accident      | 489                    | 8                  | 33          | 46                              | 30                     | 75          |
| Driving while disqualified             | 1,326                  | 31                 | 55          | 495                             | 30                     | 60          |
| Providing false info. to peace officer | 534                    | 6                  | 13          | 34                              | 30                     | ..          |
| Obstructing peace officer              | 1,426                  | 8                  | 14          | 207                             | 30                     | ..          |
| Escape custody                         | 309                    | 90                 | 95          | 273                             | 60                     | 90          |
| Unlawfully at large                    | 1,673                  | 91                 | 96          | 1,526                           | 16                     | 15          |

(1) The four jurisdictions include Prince Edward Island, Nova Scotia, Quebec and Yukon.

(2) Total "no. of convictions" and "no. of incarceral sentences" includes "unknown" procedure.

(3) The median represents the middle value when all values are ordered in terms of magnitude.



**APPENDIX "B"**

**LIST OF CRIMINAL CODE SECTIONS AND MAXIMUM PENALTIES  
FOR THE 65 SELECTED OFFENCES**

# APPENDIX 'B' – LIST OF C.C. SECTIONS AND MAXIMUM PENALTIES

| OFFENCE  | SECTION   | MAX. PEN.<br>ON INDICT. |
|--|---|-------------------------|
| <b>CRIMINAL CODE OFFENCES</b>                  |   |                         |
| <b>OFFENCES AGAINST THE PERSON</b>             |   |                         |
| 1 Manslaughter                                 | 234, 236  | Life                    |
| 2 Robbery                                      | 343, 344  | Life                    |
| 3 Sexual assault with weapon/bodily harm       | 272   | 14 yrs.                 |
| 4* Sexual assault                              | 271   | 10 yrs.                 |
| 5 Aggravated assault                           | 268   | 14 yrs                  |
| 6 Assault with weapon/bodily harm              | 267, 269  | 10 yrs.                 |
| 7* Assault                                     | 265, 266  | 5 yrs.                  |
| 8* Assaulting peace officer                    | 270   | 5 yrs.                  |
| 9 Forcible confinement                         | 279(2)  | 10 yrs.                 |
| 10* Sexual touching of child under 14          | 151, 152  | 10 yrs.                 |
| 11 Uttering threats of bodily harm             | 264.1(1a,2)                                     | 5 yrs.                  |
| 12 Harassing/indecent phone calls              | 372(2,3)  | 6 mths.                 |
| 13 Other offences against person               | 153–159, 214–248, 260–320<br>not included above | ...                     |
| <b>FIREARMS, OTHER WEAPONS/EXPLOSIVES</b>      |   |                         |
| 14 Use of firearm during commission of offence | 85  | * (min=1 yr) * 14 yrs.  |
| 15 Careless/dangerous use of firearm           | 86, 87  | 5/10 yrs.               |
| 16* Possession of firearms/offensive weapons   | 89, 90, 91                                      | 5 yrs.                  |
| 17 Other weapon/explosive offences             | 78–117 not included above                       | ...                     |
| <b>OFFENCES AGAINST PROPERTY, FRAUD</b>        |   |                         |
| 18 Break and enter                             | 348   | Life                    |
| 19 Possession of break–in instrument           | 351(1)  | 10 yrs.                 |
| 20 Possession of stolen goods over \$1,000     | 355(a)  | 10 yrs.                 |
| 21* Possession of stolen goods under \$1,000   | 355(b)  | 2 yrs.                  |
| 22 Possession of stolen goods – amt. unspec.   | 354, 355(no subsection), 356                    | ...                     |
| 23 Theft over \$1,000                          | 334(a)  | 10 yrs.                 |
| 24* Theft under \$1,000                        | 334(b)  | 2 yrs.                  |
| 25 Theft – amount unspecified                  | 322–333, 334(no subsection)                     | ...                     |
| 26* Theft/forgery of credit card               | 342   | 10 yrs.                 |
| 27 Forgery                                     | 366, 367, 368                                   | 14 yrs.                 |
| 28 Personation with intent                     | 403   | 14 yrs.                 |
| 29 Fraud over \$1,000                          | 380(1a)   | 10 yrs.                 |
| 30* Fraud under \$1,000                        | 380(1b)   | 2 yrs.                  |
| 31 Fraud – amount unspecified                  | 381–396, 380(no subs or (1)no par)              | ...                     |
| 32 False pretences                             | 362, 363, 364                                   | 10/5/0.5 yrs            |
| 33* Mischief – property damage over \$1,000    | 430(3)  | 10 yrs.                 |
| 34* Mischief – property damage under \$1,000   | 430(1,4), 430(no subsection)                    | 2 yrs.                  |
| 35 Other property, fraud offences              | 321–447 not included above                      | ...                     |

\* Represents "hybrid" offence

## APPENDIX 'B' – LIST OF C.C. SECTIONS AND MAXIMUM PENALTIES

| OFFENCE   | SECTION                                      | MAX. PEN.<br>ON INDICT. |
|---|--|-------------------------|
| <b>MOTOR VEHICLE OFFENCES</b>                       |  |                         |
|   | * (Sections 253–255: min \$300 fine) *       |                         |
| 36 Impaired driving causing bodily harm             | 255(2)                                       | 10 yrs.                 |
| 37* Impaired driving/over .08                       | 253, 255(1) or 255(no subsect)               | 5 yrs.                  |
| 38* Refuse to provide breath/blood sample           | 254  | 5 yrs.                  |
| 39 Dangerous operation of m.v. – bodily harm        | 249(3)                                       | 10 yrs.                 |
| 40* Dangerous operation of motor vehicle            | 249(1,2) or 249(no subsect)                  | 5 yrs.                  |
| 41* Fail to stop at scene of accident               | 252  | 2 yrs.                  |
| 42* Driving while disqualified                      | 259(4)                                       | 2 yrs.                  |
| 43 Other motor vehicle offences                     | 249–259 not included above                   | ...                     |
| <b>PROSTITUTION / MORAL OFFENCES</b>                |  |                         |
| 44 Procuring for prostitution                       | 212(1,2) or 212(no subsect)                  | 14 yrs.                 |
| 45 Keeping common bawdy–house                       | 210(1)                                       | 2 yrs.                  |
| 46 Soliciting for prostitution / obtaining services | 213  | 6 mths.                 |
| 47 Indecent acts/exposure                           | 173, 175(1b)                                 | 6 mths.                 |
| 48 Gaming and betting offences                      | 201–209 inclusive                            | 2 yrs.                  |
| 49 Other moral offences                             | 160–174, 197–213 not incl. above             | ...                     |
| <b>OFFENCES AGAINST ADMIN. OF LAW</b>               |  |                         |
| 50 Obstructing justice                              | 139(2,3)                                     | 10 yrs.                 |
| 51* Providing false information to peace officer    | 140  | 5 yrs.                  |
| 52* Obstructing peace officer                       | 129  | 2 yrs.                  |
| 53* Escape custody                                  | 145(1a)                                      | 2 yrs.                  |
| 54* Unlawfully at large                             | 145(1b)                                      | 2 yrs.                  |
| 55 Fail to appear in court                          | 145(2–5)                                     | 2 yrs.                  |
| 56 Fail to comply with probation order              | 740  | 6 mths.                 |
| 57 Breach of recognizance                           | 810, 811                                     | 6 mths                  |
| 58 Other offences against administration of law     | 118–149 not included above                   | ...                     |
| <b>OTHER CRIMINAL CODE OFFENCES</b>                 |  |                         |
| 59 Causing disturbance, trespassing                 | 175(1a,c,d), 175(no subsec), 177             | 6 mths.                 |
| 60 All other Criminal Code offences                 | 1–77, 176–196, 448–809<br>not included above | ...                     |
| <b>TOTAL CRIMINAL CODE</b>                          |  |                         |
| <b>OTHER FEDERAL STATUTES</b>                       |  |                         |
| 61 Narcotic Control Act(NCA) – trafficking          | NCA – 4                                      | Life                    |
| 62* NCA – possession                                | NCA – 3                                      | 7 yrs.                  |
| 63 Other NCA offences                               | NCA – 3.1, 5–27                              | ...                     |
| 64 Food and Drug Act                                | FDA – 1–51                                   | ...                     |
| 65 Other federal statutes                           | all fed. stat. not included above            | ...                     |





## **APPENDIX "C" - METHODOLOGY**





## APPENDIX "C" - METHODOLOGY

### 1. Scope

The Sentencing Study represents sentencing characteristics of Criminal Code and other federal statute charges resulting in conviction (including "discharge") during 1991 and 1992 in adult provincial courts in six jurisdictions.

### 2. Coverage/Data Sources

This study uses provincial court data from six jurisdictions: Prince Edward Island, Nova Scotia, Quebec, Ontario, Alberta and the Yukon. The caseload represented by these six jurisdictions comprises approximately two-thirds of the annual provincial court caseload in Canada.

CCJS Adult Criminal Court Survey (ACCS) - The Canadian Centre for Justice Statistics administers the ACCS. The objective of this survey is to develop and maintain a national adult criminal court database of statistical information on appearances, charges and cases. The data collection method involves accessing automated criminal court databases in each province or territory. Interface programs are developed to extract the required data and re-structure them into a standard format. Provincial court locations are the initial focus of the survey, to be followed by Section 96 courts at a later date.

The ACCS consists of two components: case characteristics and caseload. The "**caseload**" component collects aggregate data on pending, initiated and disposed-of charges, appearances and cases for federal statute, provincial statute and municipal by-law offences in adult provincial criminal courts.

This study utilizes data from the "**case characteristics**" component, which collects unit-record data in the form of appearance records for each federal statute charge (including the Criminal Code) disposed of in adult provincial criminal courts. Each record contains detailed information on: the appearance (eg. court dates, date of offence and initiation, type of appearance and legal representation); the charge (statute, section, subsection and paragraph); nature of the offence; crown election; plea; type of disposition; sentencing information (eg. type and quantum of sentence); and the age and sex of the accused.

Currently, four jurisdictions are fully implemented on ACCS:

- **Prince Edward Island** - all five provincial court locations reported during the entire reference period.
- **Nova Scotia** - 38 provincial court locations reported during the reference period. Halifax city court and Liverpool provincial court, representing approximately 15% of Nova Scotia's annual caseload, are currently not providing data to ACCS.

- **Quebec** - all 54 provincial court locations reported during the entire reference period. Quebec's municipal courts are not included in the survey. Quebec has empowered 133 municipal courts to hear **summary** federal charges, primarily traffic offences. The existence of these courts may result in Quebec's provincial courts hearing proportionally "more serious" cases than provincial courts in other provinces.
- **Yukon** - all 18 territorial court locations reported during the entire reference period.

For ACCS data, the "other" sentence field has been converted to represent "forfeiture / prohibition" orders. This was done after consultation with each of the jurisdictions in terms of the type of sanctions included under the "other" category. It was felt that approximately 99% of sanctions contained in this category were for sanctions such as driver's license suspensions, restrictions and confiscation of firearms, and peace bonds. Therefore, in order to make sentencing data for ACCS jurisdictions comparable with that for Ontario and Alberta, this assumption has been made.

**Ontario's Integrated Court Offences Network (ICON)** - The ICON system was developed by the Ministry of the Attorney General during 1987-88 to automate all court offices' administrative functions, such as case management, scheduling, financial tracking, monthly reconciliation and enforcement. The system is now installed in all provincial criminal and family court offices.

An extraction of provincial court data was made available to Centre staff, who then "converted" the data into the standard Sentencing File format. This required sub-setting the file for "convictions" only, having a sentence date in 1991 or 1992. The ICON file structure was then converted to collapse charges with multiple sentences onto one charge record so as to match the Sentencing File format. Intermediate sanctions may be undercounted due to court system's limitations for the reporting of multiple sanctions.

The reference period for Ontario data ranged from June 1, 1991 to Aug. 31, 1992. However, not all provincial court locations were on the ICON system as of June 1:

- starting July 1991: Smiths Falls, Brockville, Napanee, Cornwall, Alexandria and Morrisburg
- starting Aug. 1991: L'Original
- starting Sept. 1991: Orangeville, Owen Sound and Guelph
- starting Oct. 1991: Cochrane North, Timmins and Kirkland Lake
- starting Nov. 1991: Kenora, Dryden, Fort Frances and Thunder Bay

**Alberta's Criminal Justice Information System (CJIS)** - The CJIS system was completed in 1989 by the Attorney General's Department as a criminal case management information system to facilitate the efficient processing and tracking of criminal cases for the Criminal Justice Division. The system has been implemented province wide.

An extract of all closed cases in adult provincial court in Alberta was sent to the Centre. Similar to the procedure developed for Ontario, CCJS staff then converted the data to the Sentencing File format.

### 3. Time Period

The strategy followed was to request sentencing data from each jurisdiction beginning January 1991 and ending with the most recent data available. Data are available from each jurisdiction beginning January 1, 1991, with the exception of Ontario which begins in June 1991. A minimum of six months of 1992 data are available from all jurisdictions, with Ontario and Alberta providing more than six months.

The following represents the time period available from each jurisdiction. Dates refer to the date of sentencing or "final appearance":

|                             |                          |
|-----------------------------|--------------------------|
| P.E.I., N.S., Qc. and Yuk.: | Jan. 1 '91 - June 30 '92 |
| Ontario:                    | June 1 '91 - Aug. 31 '92 |
| Alberta:                    | Jan. 1 '91 - Oct. 26 '92 |

### 4. Units of Count

Charge - One record exists for each charge resulting in conviction. Each charge will have at least one sentence recorded against it. All sentences imposed for the charge are collected.

Case - A "case" is defined in this study as **all charges resulting in conviction for one accused with the same sentence date in the same court**. This definition differs from the ACCS definition of "case", which refers to all charges **beginning** on the same day in the same court for one accused. It is possible to have more than one information number in the same case.

Four specific types of cases have been identified:

- (a) **Single charge/count** - Regardless of the number of charges when the accused first appears in court, only one charge in the case results in conviction.
- (b) **Multiple charge** - More than one charge in a case results in conviction, but all convictions are for **different offences**.
- (c) **Multiple Count** - More than one charge in a case results in conviction, and all convictions are for the **same offence**.
- (d) **Multiple charge/multiple count** - An accused is convicted of at least 2 different charges, of which at least one has multiple counts.



Most serious sentence (MSS): Rather than showing all the sanctions imposed for a particular offence on conviction, the data can also be displayed by selecting a "most serious sentence" for each charge. Sentences are ordered from most severe to least severe as follows:

- imprisonment
- probation
- forfeiture/prohibition orders
- community service order
- fine
- compensation/restitution
- conditional discharge
- absolute discharge

Most Serious Offence (MSO): For each case, a "most serious offence" can be identified to represent the case. This has been identified as the offence receiving the most serious sentence (see list above for ranking of MSS). If more than one charge receives the same "most serious sentence", then the sentence length (for prison or probation) or the amount (for fines or compensation/restitution) is used to determine which offence is the most serious.

Table C-1 compares three different methods of examining sentencing data (charge level; single charge cases only; and, the MSO representing each case), and the resultant differences in sentencing characteristics for each method.

## 5. Measures of Central Tendency

In terms of measuring the average sentence length or fine amount, there are a variety of options from which to choose. This report uses the mean, median and mode in order to enable the reader to see the differences between all three methods. However, for reasons described below, the **median** has been chosen as the best indicator of central tendency.

Median - The median is defined to be the middle value in a set of numbers arranged according to magnitude. In other words, 50% of the sentence lengths are greater than or equal to the median, and 50% of the values are less than or equal to the median. The median is not influenced by very high or very low values, as is the mean. The only drawback to the median as an indicator of sentence length is the tendency for certain sentence lengths to be much more common than others. For example, sentences of 30, 60 or 90 days are quite common, while sentences of 31-59 days or 61-89 days are relatively uncommon. This tends to produce a "spiked" frequency distribution. It is possible that the addition of only a few cases could switch the median value from one common category (eg. 30 days) to the next common category (eg. 60 days).

TABLE C-1. COMPARISON OF THREE OPTIONS OF EXAMINING CONVICTION DATA, SIX JURISDICTIONS,  
1991 & 1992 (1)

| Offence    | Method<br>Of<br>Analysis                | No. of<br>Convic-<br>tions<br># | Frequency of Sentence Type |               |                                |           |                      |                     |                      |   | Abs.<br>Dischg<br>% |
|------------|---|---------------------------------|----------------------------|---------------|--------------------------------|-----------|----------------------|---------------------|----------------------|---|---------------------|
|            |   |                                 | Prison<br>%                | Probathn<br>% | Forfeiture/<br>Prohib.(2)<br>% | Fine<br>% | Rest./<br>Comp.<br>% | Susp.<br>Sent.<br>% | Cond.<br>Dischg<br>% |   |                     |
| ASSAULT    |   |                                 |                            |               |                                |           |                      |                     |                      |   |                     |
|            | (i) All charges(3)                      | 36,950                          | 25                         | 63            | 14                             | 35        | 2                    | 23                  | 10                   | 3 |                     |
|            | (ii) Case – MSO(4)                      | 30,469                          | 21                         | 64            | 12                             | 37        | 2                    | 24                  | 12                   | 4 |                     |
|            | (iii) Single Charge/<br>Count Cases (5) | 24,277                          | 15                         | 64            | 11                             | 39        | 2                    | 25                  | 14                   | 5 |                     |
| B & E      |   |                                 |                            |               |                                |           |                      |                     |                      |   |                     |
|            | (i) All charges(3)                      | 24,133                          | 74                         | 54            | 30                             | 7         | 7                    | 16                  | 1                    | — |                     |
|            | (ii) Case – MSO(4)                      | 11,921                          | 66                         | 59            | 22                             | 11        | 12                   | 20                  | 1                    | — |                     |
|            | (iii) Single Charge/<br>Count Cases (5) | 5,983                           | 54                         | 62            | 17                             | 16        | 15                   | 26                  | 1                    | — |                     |
| TOTAL C.C. |   |                                 |                            |               |                                |           |                      |                     |                      |   |                     |
|            | (i) All charges(3)                      | 521,773                         | 40                         | 38            | 35                             | 41        | 4                    | 12                  | 4                    | 2 |                     |
|            | (ii) Case – MSO(4)                      | 331,812                         | 29                         | 37            | 35                             | 51        | 5                    | 11                  | 5                    | 3 |                     |
|            | (iii) Single Charge/<br>Count Cases (5) | 250,247                         | 21                         | 34            | 36                             | 57        | 4                    | 11                  | 6                    | 4 |                     |

(1) Jurisdictions include Prince Edward Island, Nova Scotia, Quebec, Ontario, Alberta and Yukon.

(2) This group includes all disability and prohibitory orders, forfeiture, confiscation, and community service orders.

(3) All charges resulting in conviction are included, regardless of the existence of multiple charges or counts in a single case.

(4) Includes single charge cases and, in the case of multiple charges, the charge (MSO) receiving the most serious sentence.

(5) Only single charge count cases are included.

Mean - The mean represents the sum of all values divided by the total number of values. The major limitation of the mean for sentencing data is that it can be influenced by only a few extreme values, such as sentences of life or fines exceeding \$1 million.

Mode - The mode is defined as the value which occurs most frequently. Although this can still be a useful indicator of sentencing characteristics, it is limited in its measurement of central tendency if it does not occur near the centre of the data (eg. frequent sentences of 1 day).

## 6. Measures of Dispersion

Just as important as the calculation of central tendency is the analysis of the range and variation of the data. Once again, there are a variety of options available from which to choose.

Range: mid-80 percentile - The mid-80 percentile is the range of values, excluding the highest and lowest 10%. This provides an indication of the "typical" range of sentence lengths imposed for a particular offence, without extreme values being included.

Variation: coefficient of variation - The coefficient of variation is a unitless measure of relative variability and is defined as the **ratio of the standard deviation to the mean**. The higher the coefficient of variation, the greater the variability of the distribution.

## 7. Limitations

- (a) No data on recidivism - The previous criminal history of the offender is one of the most significant factors in sentencing variation.
- (b) No data on aggravating or mitigating circumstances - Some common "aggravating factors" which may influence sentencing include actual or threatened violence, vulnerability of the victim, multiple victims and breach of trust. Typical "mitigating factors" include the impairment of the offender (drugs, alcohol, mental problems), remorse shown by the offender, provocation by the victim, and evidence of a "minor role" (accessory) played by the offender in an incident.
- (c) Lack of time-series data - The consistency of findings from this study cannot be explored, nor the identification of emerging trends in sentencing. However, this study could actually initiate future time-series analysis.



- (d) Lack of information on **all** types of sanctions - For most jurisdictions, the sanctions of forfeiture/confiscation, disability and prohibition orders, and community service orders are grouped together and cannot be isolated for analytical purposes. With the emergence of the use of "intermediate sanctions" as a major issue, this aggregation limits the analysis of individual intermediate sanctions being used as alternatives to imprisonment.
- (e) Coding limitations - For certain offences, data are not coded at the level required (eg. paragraph) to be able to distinguish certain important characteristics. Three examples of this are as follows:
- impaired driving offences are rarely coded under the sections required to identify whether or not the offender is guilty of a first, second or subsequent offence (all of which have different penalties);
  - break and enter offences are rarely coded under the sections required to be able to identify "residences" (max. penalty of life) from "non-residences" (max. penalty of 14 years); and,
  - robbery offences are rarely coded under the sections required to distinguish "armed" robbery from "unarmed" robbery.
- (f) Limited number of data elements collected - As all automated systems are limited in the size and scope of information that can be collected, there are always some areas of interest that cannot be examined. For instance, "family violence" cannot be addressed in this study as there is no victim/offender relationship field.
- (g) Limitations of the Criminal Code and other federal statutes - Two examples of these types of limitations are as follows:
- the Narcotic Control Act does not specify the narcotic under its possession, trafficking or importing/cultivating sections. This does not allow the distinction to be made between possession of marijuana and possession of cocaine, for example;
  - the "object" of a theft is generally not specified in the Criminal Code. For example, it is not possible to determine convictions related to motor vehicle theft, although there is a section of the code (s.335) that is commonly used for cases of joyriding.

- (h) No data from Section 96 courts - Although superior courts tend to hear the most serious cases, they represent a relatively small percentage of jurisdictional caseload. **It should be noted that previous research has demonstrated that average sentence lengths imposed in superior courts were generally higher than those imposed in provincial courts for equivalent offences.**<sup>14</sup>
- (i) No data from appeal courts - Appeal court decisions are often regarded as the "best" jurisdictional indicators of appropriate sentences. However, appeal courts represent a very small percentage of overall caseload.

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<sup>14</sup> Sentences Given in The Toronto Courts, Robert G. Hann and Faigie Kopelman, 1988, p.23

**APPENDIX "D"**

**SENTENCING DEFINED**





## APPENDIX "D" - SENTENCING DEFINED

The Canadian Sentencing Commission has defined "sentencing" as the judicial determination of a legal sanction imposed on a person found guilty of an offence.<sup>15</sup> While the Criminal Code (and other federal statutes) sets out a range of sanctions generally available, it gives little guidance respecting either the type of sanction to be imposed or the appropriate range of such a sanction, except in respect of minimum and maximum sentences. The Code currently does not contain a statement of "purpose and principles of sentencing".

The following principles of sentencing are extracted from a 1990 Department of Justice report entitled "Sentencing - Directions For Reform"<sup>16</sup>. This report formed part of a consultation package and reflects general sentencing principles common to many countries. However, it should be noted that the document reflects the views of the federal government concerning sentencing, and is not necessarily representative of the views of the provinces nor of the judiciary.

### Purpose of Sentencing

The fundamental purpose of sentencing is to contribute to the maintenance of a just, peaceful and safe society through the imposition of just sanctions.

### Objectives of Sentencing:

- a. denouncing blameworthy behaviour;
- b. deterring the offender and others from committing offences;
- c. separating the offender from society, where necessary;
- d. providing for redress for the harm done to individual victims or to the community; and,
- e. promoting a sense of responsibility on the part of offenders and providing for opportunities to assist in their rehabilitation.

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<sup>15</sup> Sentencing Reform, A Canadian Approach - Report of the Canadian Sentencing Commission, 1986, p.xxvii

<sup>16</sup> Directions For Reform - Sentencing, Department of Justice Canada, 1990, pp. 7-8

Principles of sentencing:

- a. a sentence should be proportionate to the gravity of the offence, the degree of responsibility of the offender, and any other aggravating or mitigating circumstances;
- b. a sentence should be the least onerous alternative in the circumstances;
- c. a sentence should be similar to sentences imposed on other offenders for similar offences committed in similar circumstances;
- d. the maximum punishment prescribed should be imposed only in the most serious cases;
- e. the court should consider the total effect of all sentences imposed on the offender; and
- f. a term of imprisonment should be imposed **only**:
  - to protect the public from crimes of violence;
  - where any other sanction would not sufficiently reflect the gravity of the offence or the repetitive nature of the criminal conduct of an offender;
  - to penalize an offender for wilful non-compliance with the terms of any other sentence that has been imposed on the offender.



**APPENDIX "E"**

**EXPERIENCE WITH SENTENCING GUIDELINES  
IN THE UNITED STATES**



## APPENDIX "E" - EXPERIENCE WITH SENTENCING GUIDELINES IN THE UNITED STATES

This report has examined sentencing variation in adult provincial courts. From time to time, the notion of creating "sentencing guidelines" in Canada has been debated. There are many philosophical arguments both for and against implementing sentencing guidelines. As more and more sentencing information becomes available, this issue may be raised again. As context for this issue, it may be appropriate to examine the American experience with guidelines. The following discussion is a summary of an article in the New York Times from April 1992<sup>17</sup>.

Sentencing guidelines took effect in Federal courts in the United States in November 1987. Although they are termed "guidelines", the courts are bound to follow them. The purpose of instituting these guidelines was to make prison sentences more uniform throughout the country. In the U.S., the bulk of criminal cases are heard in state courts (similar to Canada's provincial courts). To date, only a few states have adopted sentencing guidelines for their state courts, although their guidelines are more modest and flexible than those for the Federal system described below.

### How Guidelines Work

The current guidelines used in the Federal courts are rather complex. All crimes are ranked on a scale from 1 to 43, with the more serious offences assigned higher numbers. Each base score then rises or falls depending on a number of aggravating and mitigating factors. For example, robbery has a base score of 20, but if a bank or post office is robbed, the score rises to 22. If a firearm was fired, the score rises a further 7 points. The final "score" determines the range of sentences which must be imposed.

### Arguments Against the use of Guidelines:

- guidelines ignore specific offender characteristics such as age, education, employment and family ties;
- by discouraging plea bargains and raising innumerable interpretive questions, guidelines have clogged both the trial and appellate courts;
- rather than eliminating discretion from the sentencing process, guidelines have merely moved it from judges who exercised it in open court, to prosecutors privately deciding who to charge and how serious a crime to charge them with;
- guidelines take the hope out of the system: a defendant cannot hope to get a break, and a judge cannot hope to give him one;



- guidelines are complex to establish and maintain: 434 amendments have already been made to the original set of criteria and rankings.

Arguments in Favour of Guidelines:

- guidelines have succeeded in making sentences less capricious, more uniform and more understandable;
- the problem of unwarranted disparity - that two similarly situated offenders could go into two different courtrooms and come out with two substantially different sentences - has been eliminated from the system;
- the perception of bias against minority and underprivileged groups is eliminated;
- guidelines control the almost wholly unchecked and sweeping powers of judges.

Not surprisingly, Federal judges in the United States generally have not been in favour of sentencing guidelines, and feel that they are too constraining. They have complained that the new approach has taken the judging out of judging and replaced it with an oppressively mechanistic regime. Conversely, proponents of the new sentencing system counter that it has achieved its stated goal of reducing unwarranted disparity.



